Cases

Marbury v. Madison (1803)

*Judicial Review, Federalism*

The Court unanimously decided not to require Madison to deliver the commission to Marbury.  Chief Justice Marshall understood the danger that this case posed to the power of the Supreme Court.  Because Madison was President Jefferson’s secretary of state and Jefferson was head of the Democratic Party while Chief Justice Marshall and Marbury were Federalists, President Jefferson was almost certain to direct Madison to refuse to deliver the commission to Marbury.  If the Court required Madison to deliver the commission and Madison refused, the Court had no power to force him to comply, and, therefore the Court would look weak.  If the Court did not act, it would look like the justices made their decision out of the fear that Madison would not obey their decision.

The justices struck a middle ground between these alternatives in their opinion, written by Chief Justice Marshall.  The Court ruled that Marbury was entitled to his commission, but that according to the Constitution, the Court did not have the authority to require Madison to deliver the commission to Marbury in this case.  They found that the Judiciary Act of 1789 conflicted with the Constitution because it gave the Supreme Court more authority than it was given under the Constitution.  The dispute centered around the difference between the Supreme Court’s original jurisdiction and its appellate jurisdiction.  If the Court has original jurisdiction over a case, it means that the case can go directly to the Supreme Court and the justices are the first ones to decide the case.  If the Court has appellate jurisdiction, however, the case must first be argued and decided by judges in the lower courts.  Only then can it be appealed to the Supreme Court, where the justices decide whether the rulings of the lower courts were correct.  Marbury brought his lawsuit under the Court’s original jurisdiction, but the justices ruled that it would be an improper exercise of the Court’s original jurisdiction to issue the writ of mandamus in this case.

The Judiciary Act of 1789 authorized the Supreme Court to “issue writs of mandamus … to persons holding office under the authority of the United States.”  A writ of mandamus is a command by a superior court to a public official or lower court to perform a special duty.  The Court said this law attempted to give the Court the authority to issue a writ of mandamus, an exercise of its original jurisdiction, to Secretary of State Madison.  However, Article III, section 2, clause 2 of the Constitution, as the Court read it, authorizes the Supreme Court to exercise original jurisdiction only in cases involving “ambassadors, other public ministers and consuls, and those [cases] in which a state shall be a party.  In all other cases, the Supreme Court shall have appellate jurisdiction.”  The dispute between Marbury and Madison did not involve ambassadors, public ministers, consuls, or states.  Therefore, according to the Constitution, the Supreme Court did not have the authority to exercise its original jurisdiction in this case.  Thus the Judiciary Act of 1789 and the Constitution were in conflict with each other.

Declaring the Constitution “superior, paramount law,” the Supreme Court ruled that when ordinary laws conflict with the Constitution, they must be struck down.  Furthermore, it is the job of judges, including the justices of the Supreme Court, to interpret laws and determine when they conflict with the Constitution.  According to the Court, the Constitution gives the judicial branch the power to strike down laws passed by Congress, the legislative branch.  This is the principle of judicial review.  Thus, it has been recognized since this decision that it is “emphatically the province and duty of the judicial department to say what the law is.”

Through this decision, Chief Justice Marshall established the judicial branch as an equal partner with the executive and legislative branches within the developing system of government.  By refusing to require Madison and Jefferson to deliver the commission to Marbury, he did not give Madison the opportunity to disobey the Court, making it look weak.  And, by declaring the Court’s power through the principle of judicial review, he made it clear that the justices did not make their decision out of fear.  Instead, he announced that the Constitution is the supreme law of the land, and established the Supreme Court as the final authority for interpreting it.

Plessy v. Ferguson (1896)

*"Separate but Equal," Equal Protection*

In a 7-1 decision, the Supreme Court ruled in favor of Ferguson.  The majority rejected Plessy’s Thirteenth and Fourteenth Amendment arguments, instead putting its stamp of approval on the doctrine of “separate but equal.”  The dissent, written by Justice John Marshall Harlan, disagreed, arguing that segregationist laws indoctrinate society with the belief that the two races are not equal.

Justice Henry Brown wrote the majority opinion, which rejected Plessy’s argument that the Louisiana law conflicted with the Thirteenth Amendment, deeming the point “too clear for argument.”  The justices then considered whether the law conflicted with the Fourteenth Amendment.  They identified the purpose of the Fourteenth Amendment as “enforce[ing] the absolute equality of the two races before the law,” but then asserted that “it could not have been intended to abolish distinctions based upon color, or to enforce social…equality.”  According to the Court, the Fourteenth Amendment was only concerned with legal, not social, equality.

In addition, the justices denied the argument that separation of the races by law “stamps the colored race with a badge of inferiority.”  They argued instead that racial prejudice could not be overcome by “an enforced commingling of the two races.”  According to this argument, outlawing segregation would not eliminate racial prejudice, because such societal beliefs could not be changed simply by changing the law.  The Court concluded that “if one race be inferior to the other socially, the Constitution … cannot put them upon the same plane.”

The justices explained that because the Louisiana law did not conflict with the purpose of the Fourteenth Amendment, the only remaining question was whether it was “reasonable, and … enacted in good faith for the promotion for the public good.”  Giving much deference to the state legislature of Louisiana, they determined that the law met this requirement because it furthered “the preservation of the public peace and good order.”  Thus, so long as separate facilities were actually qualitatively equal, the Constitution did not prohibit segregation in the view of the majority of the Court.

Justice John Marshall Harlan dissented from the majority opinion.  In an opinion that later became pivotal in the Brown v. Board of Education cases (1954), he argued that segregationist legislation, like the Louisiana law in this case, was based on the assumption that “colored citizens are so inferior and degraded that they cannot be allowed to sit in public coaches occupied by white citizens.”  These laws promoted and perpetuated the belief that African Americans were inferior to whites, according to Justice Harlan.  They must be struck down, he argued, because the government could not “permit the seeds of race hate to be planted under the sanction of law.”  Justice Harlan believed that the constitution must be “color-blind,” and that it could allow “no superior, dominant ruling class of citizens.”  Because segregation had the effect of creating such classes, he judged, it was unconstitutional.

Brown v. Board of Education (1954)

*School Segregation, Equal Protection*

In a unanimous decision, the Supreme Court ruled in favor of Brown.  The Court found the practice of segregation unconstitutional and refused to apply its decision in Plessy v. Ferguson to “the field of public education.”  Chief Justice Earl Warren wrote the opinion for the Court.

The Court noted that public education was central to American life.  Calling it “the very foundation of good citizenship,” they acknowledged that public education was not only necessary to prepare children for their future professions and to enable them to actively participate in the democratic process, but that it was also “a principal instrument in awakening the child to cultural values” present in their communities. The justices found it very unlikely that a child would be able to succeed in life without a good education.  Access to such an education was thus “a right which must be made available to all on equal terms.”

The justices then assessed the equality of the facilities that the Board of Education of Topeka provided for the education of African American children against those provided for white children.  Ruling that they were substantially equal in “tangible factors” that could be measured easily, (such as “buildings, curricula, and qualifications and salaries of teachers), they concluded that the Court must instead examine the more subtle, intangible effect of segregation on the system of public education.

Departing from the Court’s earlier reasoning in Plessy, the justices here argued that separating children solely on the basis of race created a feeling of inferiority in the “hearts and minds” of African American children.  Segregating children in public education created and perpetuated the idea that African American children held a lower status in the community than white children, even if their separate educational facilities were substantially equal in “tangible” factors.  This feeling of inferiority reduced the desire to learn and achieve in African American children, and had “a tendency to retard their educational and mental development and to deprive them of some of the benefits they would receive in a racially integrated school system.”  Concluding that “separate education facilities are inherently unequal”, the Supreme Court ruled that segregation in public education denied African American children the equal protection of the laws guaranteed by the Fourteenth Amendment.

One year later, the Court addressed the implementation of its decision in a case known as Brown v. Board of Education II.  Chief Justice Warren once again wrote an opinion for the unanimous court.  The Court acknowledged that desegregating public schools would take place in various ways, depending on the unique problems faced by individual school districts.  After charging local school authorities with the responsibility for solving these problems, the Court instructed federal trial courts to oversee the process and determine whether local authorities were desegregating schools in good faith, mandating that desegregation take place with “with all deliberate speed.”

Gideon v. Wainwright (1963)

*Right to Counsel, Due Process*

The Supreme Court ruled in favor of Gideon in a unanimous decision.  Justice Black wrote the opinion for the Court, which ruled that the right to the assistance of counsel in felony criminal cases is a fundamental right, and thus must be required in state courts as well as federal courts.  Justices Harlan and Clark wrote concurring opinions.

The Court rejected part of their prior decision in Betts v. Brady (1942).  In that case, the justices had ruled that indigent defendants need only be provided with a lawyer under special circumstances.  The decision accepted the portion of the Court’s ruling in Betts which stated that the parts of the Bill of Rights that are “fundamental and essential to a fair trial” are made binding on the states by the Due Process clause of the Fourteenth Amendment.  They specifically noted, however, that “the Court in Betts was wrong … in concluding that the Sixth Amendment’s guarantee of counsel was not one of these fundamental rights.”

The Court said that the best proof that the right to counsel was fundamental and essential was that “[g]overnments … spend vast sums of money to … try defendants accused of crime … Similarly, there are few defendants charged with crime[s]… who fail to hire the best lawyers they can get to prepare and present their defenses.” This indicated that both the government and defendants considered the aid of a lawyer in criminal cases absolutely necessary.  In addition, the opinion noted that the Constitution places great emphasis on procedural safeguards designed to guarantee that defendants get fair trials.  According to the opinion, “this noble idea cannot be realized if the poor man charged with a crime has to face his accusers without a lawyer to assist him.”  The Court concluded that the Sixth Amendment guarantee of a right to counsel was fundamental and essential to a fair trial in both state and federal criminal justice systems.  In all felony criminal cases, states must provide lawyers for indigent defendants.

In his concurring opinion in Gideon, Justice Clark agreed that Betts v. Brady should be overturned, and that the Sixth Amendment must be interpreted to require states to provide counsel for criminal defendants.  Under Betts, states were only required to provide lawyers for criminal defendants under special circumstances, which included capital cases.  Justice Clark noted that the Constitution does not make any distinction between capital and noncapital cases, but requires procedural protections for defendants meeting the standard of due process of law in both situations.  The procedural protections required therefore should not be different depending on whether the defendant was charged with a capital crime or a noncapital crime, according to Justice Clark.

In his concurring opinion, Justice Harlan also agreed that the right to counsel in criminal cases is a fundamental and essential right.  He explained that Betts v. Brady mandated that there must be special circumstances present, such as complex charges, incompetence or illiteracy of defendants, or the possibility of the death penalty as a sentence, to require states to provide criminal defendants with counsel.  He then argued that “the mere existence of a serious criminal charge constituted in itself special circumstances.”  Since, according to Justice Harlan, all felony criminal trials involved special circumstances, states should be required to provide lawyers for indigent defendants.

Miranda v. Arizona (1966)

*Self-Incrimination, Due Process*

In a 5-4 opinion, the Supreme Court ruled in favor of Miranda.  The majority opinion, written by Chief Justice Earl Warren, concluded that defendants arrested under state law must be informed of their constitutional rights against self-incrimination and to representation by an attorney before being interrogated when in police custody.  Justices Clark, Harlan, Stewart and White dissented.

In their majority opinion, the justices explained that the Fifth Amendment right against self-incrimination is fundamental to our system of justice, and is “one of our Nation’s most cherished principles.”  This guarantee requires that only statements freely made by a defendant may be used in court.  The justices described some of the techniques used by police officers in interrogations.  They observed that “the modern practice of in-custody interrogation is psychologically rather than physically oriented,” and cited the advantage police officers hold in custodial interrogations (interrogations that take place while the subject is in police custody).  Because of these advantages, they concluded that “the very fact of custodial interrogation exacts a heavy toll on individual liberty, and trades on the weakness of individuals.”

The Court ruled that in order to reconcile the necessary practice of custodial interrogations with the guarantees of the Fifth Amendment, police must ensure that defendants are aware of their rights before they are interrogated in custody.  Because the right against self-incrimination is so important to our system of justice, a case by case determination made by police officers of whether each defendant understands his or her rights is not sufficient.  Before interrogating defendants in police custody, they must be warned 1) that they have the right to remain silent 2) that anything they say may be used against them in court, 3) that they have the right to an attorney, either retained by them or appointed by the court, and 4) that they may waive these rights, but they retain the right to ask for an attorney any time during the interrogation, at which point the interrogation can only continue in the presence of a lawyer.

The Supreme Court reasoned that because the right against self-incrimination is so fundamental, and because it is so simple to inform defendants of their rights, any statements made by defendants during a custodial interrogation in which the defendant has not been read his “Miranda rights” are inadmissible in both state and federal courts.

Justice Harlan wrote the main dissent.  He argued that the newly created rules did not protect against police brutality, coercion or other abuses of authority during custodial interrogations because officers willing to use such illegal tactics and deny their use in court were “equally able and destined to lie as skillfully about warnings and waivers.”  Instead, he predicted that the new requirements would impair and substantially frustrate police officers in the use of techniques that had long been considered appropriate and even necessary, thus reducing the number of confessions police would be able to obtain.  He concluded that the harmful effects of crime on society were “too great to call the new rules anything but a hazardous experimentation.”

United States v. Nixon (1974)

*Watergate, Checks and Balances*

In a unanimous decision, the Court ruled in favor of the United States and against President Nixon.  Chief Justice Burger, wrote the opinion for the Court, which concluded that presidents do enjoy a constitutionally protected executive privilege, but that the privilege was not absolute.  The Court decided that in this case, the President’s interest in keeping his communications secret was outweighed by the interests of the judiciary in providing a fair trial with full factual disclosure.

President Nixon’s attorneys first argued that the doctrine of separation of powers prevented the Supreme Court from hearing this case at all.  They asserted that because the judicial and executive branches are separate, each with its own functions, the judicial branch should not be allowed to interfere with the functioning of the executive branch.  The Court rejected this argument, responding that the case raised a constitutional question, and therefore clearly fell within the functions of the judicial branch as interpreter of the Constitution.  To support this ruling, the justices cited the Court’s decision in Marbury v. Madison, in which the Court declared that “it is the province and duty of the judicial department to say what the law is.”

President Nixon’s lawyers also asserted that the Court should find the president was entitled to absolute executive privilege.  This meant that he could not be forced to reveal any of his confidential communications unless he chose to.  The lawyers set out two reasons to support their argument.  First, the president needed honest advice from his advisors, and these advisors might be uncomfortable giving advice if they knew that it could become public.  Second, these confidential communications were essential for the president to carry out the duties assigned to the executive branch by the Constitution.

The Court acknowledged the validity of theses interests and that the president was entitled to a degree executive privilege.  This privilege was not determined to be absolute.  In this case, the interest of President Nixon in keeping his communications secret conflicted with the interests of the judicial branch in providing a full and fair trial.  A fair trial required full disclosure of all facts and relevant information. The justices asserted that the interests of the president must be balanced against the interests of the judicial branch when these interests conflict.

The justices reasoned that the judiciary’s interest in the “fair administration of criminal justice” outweighed President Nixon’s interest in keeping the content of his tapes secret.  One reason for this was that the only issue before the Court was whether the trial judge could privately inspect the tapes to determine whether they were essential to a fair trial.  The justices further stated that there would be cases in which the president’s need for confidentiality would outweigh the interests of the judicial branch, such as when the secret communication involved “military, diplomatic or sensitive national security secrets.”

Hazelwood v. Kuhlmeier (1988)

*Censorship, Student Press Rights*

The Supreme Court ruled against the students in a 5-3 decision.  Justice White wrote the majority opinion, concluding that the First Amendment does not prevent school officials from exercising reasonable authority over the content of school-sponsored publications.  Justice Brennan wrote a dissenting opinion, which was joined by Justices Marshall and Blackmun.

The majority opinion first considered whether school-sponsored student newspapers are public forums.  If they were public forums, school officials would not be allowed to exercise editorial control over the content of the paper.  Referring to Supreme Court precedent, the decision noted that school facilities are only considered to be public forums when school authorities have “’by policy or by practice’ opened those facilities ‘for indiscriminate use by the general public.’”  If the facilities are used for other purposes, however, they do not constitute a public forum, and “school officials may impose reasonable restrictions on the speech of students.”  The school newspaper in this case was not open to the unlimited contribution of students, teachers and other members of the community, but was instead published as part of the curriculum of a journalism class.  Therefore, its primary function was for educational purposes, and the newspaper did not constitute a public forum.

The Court then addressed the question of whether the First Amendment “requires a school affirmatively to promote particular student speech.”  They concluded that it does not.  The First Amendment rights of students in public schools are not necessarily equal to those of adults outside of schools.  “A school need not tolerate student speech that is inconsistent with its ‘basic educational mission, even though the government could not censor similar speech outside the school.”

The Court decided that the issues involved in this case differ from those the Court ruled on in Tinker v. Des Moines.  In that case, the Court questioned whether school officials could “silence a student’s personal expression that happens to occur on the school premises.”  Hazelwood, however, forced the Court to consider the extent of school officials’ control over “school-sponsored publications … and other expressive activities that students, parents, and members of the public might reasonably perceive to bear the [approval] of the school.”  Tinker asked whether schools must tolerate certain student speech, while this case questioned whether schools must endorse student speech.

The Supreme Court concluded that the First Amendment does not force schools to endorse student speech in their school-sponsored publications.  School officials have authority and control over these publications in order to ensure that “participants learn whatever lessons the activity is designed to teach, that readers or listeners are not exposed to material that may be inappropriate for their level of maturity, and that the views of the individual speaker are not erroneously attributed to the school.”  Therefore, as long as the editorial control of school officials was “reasonably related to legitimate pedagogical concerns” such as those mentioned above, it did not offend the First Amendment.

Justice Brennan disagreed.  In his dissenting opinion, Brennan acknowledged that inside public schools, students’ rights are not necessarily equal to those they enjoy outside of school, but he also argued that as the Court said in Tinker, “students in the public schools do not ‘shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.’”  There must be a balance struck between the free expression rights of students and the interests of schools officials in maintaining order and discipline, he declared, and that balance was already struck in Tinker.  School officials must refrain from interfering with student speech unless it causes a “material and substantial disruption.”  Justice Brennan concluded that the Tinker standard should have been applied in this case, and that the Court should have ruled in favor of the students because “public educators must accommodate some student expression even if it offends them or offers views or values that contradict those the schools wishes to inculcate.”

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Look at your benchmarks for what is missing!

District of Columbia v Heller, juvenile rights, rights of the accused and segregation.