

Module 5: The Judiciary
Topic 3 Content: Supreme Court Cases

Introduction



Demi Tracy: Welcome to WUSG News. During today's show, we will be taking a look at some of the landmark Supreme Court cases that have occurred throughout America's history. Jeanne Marcel returns with *The Judgment Zone*.

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The Judgment Zone

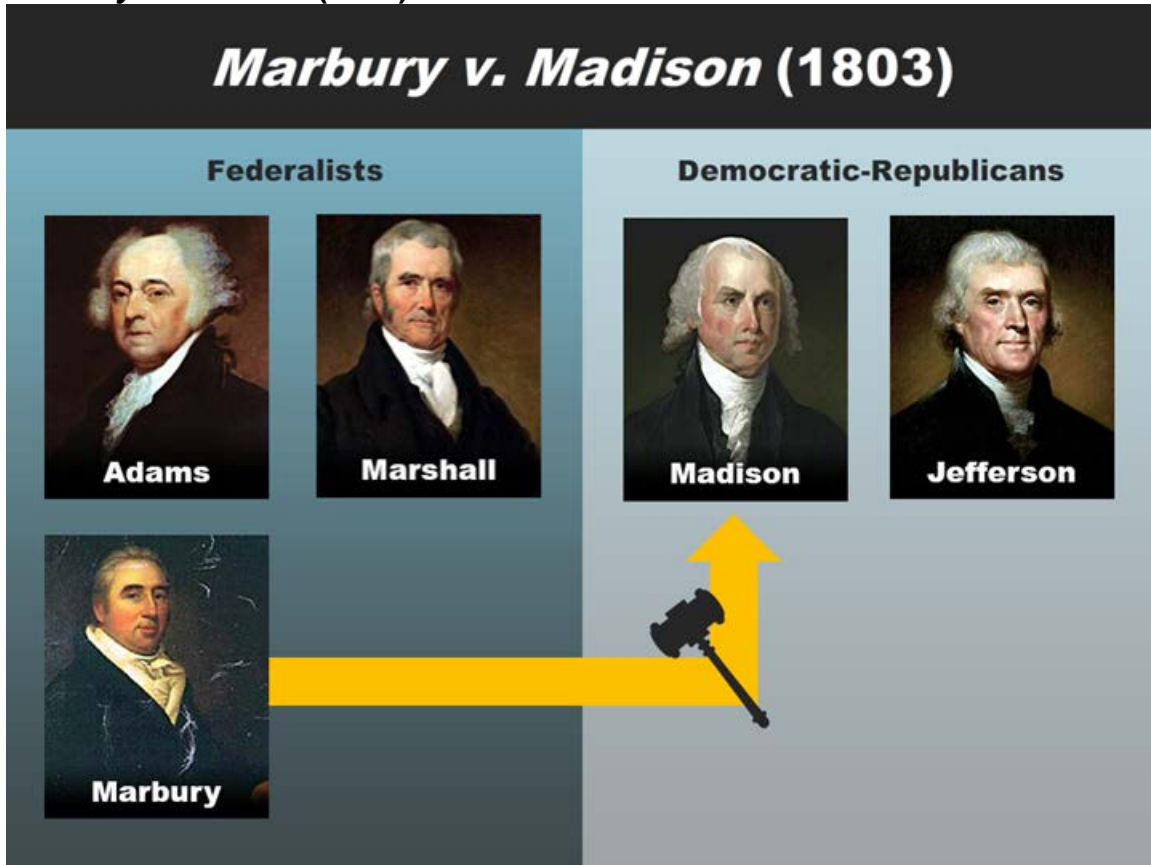


Jeanne Marcel: We have a big show today on *The Judgment Zone*. We will be taking a look at landmark Supreme Court cases that have had significant influence on America. There are plenty to choose from, but for this episode, I've chosen six cases that have helped set the course of American government.

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Marbury v. Madison (1803)



Jeanne Marcel: The United States Supreme Court was not always as powerful as it is today. During the early years of American government, the Supreme Court was seen as the weakest of the three branches of government, and the position of the Chief Justice was believed to be less prestigious than other federal government positions. This would change with the landmark case of *Marbury v. Madison* (1803).

President John Adams was at the end of his term when he issued several last-minute presidential appointments. Adams was a Federalist, and he filled numerous government positions with members of his own party. One of these appointments was William Marbury, who was appointed as a judicial officer. Adams also appointed John Marshall, his Secretary of State, as Chief Justice of the Supreme Court. As the outgoing Secretary of State, Marshall had the duty of delivering the commissions to the newly appointed officials. Marshall had signed and sealed the commissions, but failed to deliver all of them. He assumed the incoming Secretary of State would finish the job. James Madison was the incoming Secretary of State, appointed by the newly elected President Thomas Jefferson. Both Madison and Jefferson belonged to the Democratic-Republican Party. To prevent members of the Federalist Party from filling several government positions, Jefferson told Madison not to deliver the commissions.

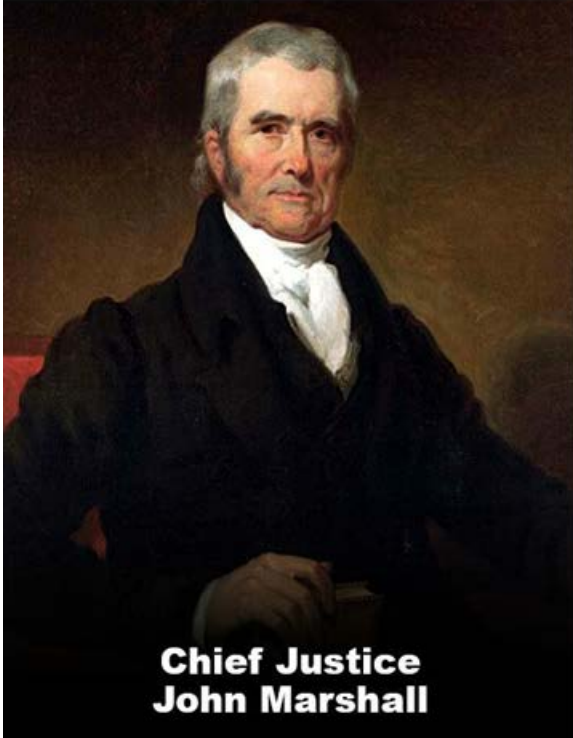
William Marbury never received his commission and demanded a writ of mandamus, or a legal motion ordering a public official to do something, from the Supreme Court. The Supreme Court was granted the power to issue writs of mandamus by the Judiciary Act of 1789. Marbury sued and asked the Court to order Madison to deliver the commission.

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Marbury v. Madison (1803) Decision

4-0 Decision in Favor of Madison



- If Marshall ordered that the papers be delivered, Madison and Jefferson would refuse, making the Court look weak.
- The Court decided that Marbury had a right to his commission, but the Court could not issue a writ of mandamus.
- The Court argued that the Judiciary Act granted the power to issue writs of mandamus, it violated the Constitution.
- This decision asserted the judicial branch's power over the Congress.
- This was the first time the Supreme Court had declared an act of Congress unconstitutional, establishing the power of judicial review.
- This helped the judicial branch gain the same status as the other two branches.

Jeanne Marcel: This was a tense political situation. As a Federalist, if John Marshall had ordered Madison to deliver the papers to Marbury, a fellow Federalist, the Democratic-Republicans Madison and Jefferson would refuse. If they refused, the Court had no way to force them to comply, making the Court look weak. Chief Justice John Marshall and the Supreme Court cleverly navigated the situation. The Court decided that Marbury had a right to his commission and withholding it was illegal, but the Court could not issue a writ of mandamus to Madison. The Marshall Court argued that when the Judiciary Act granted the Supreme Court the power to issue a writ of mandamus, more power had been given to the Supreme Court than the Constitution had intended. This part of the Judiciary Act was in violation of the Constitution, and therefore unconstitutional.

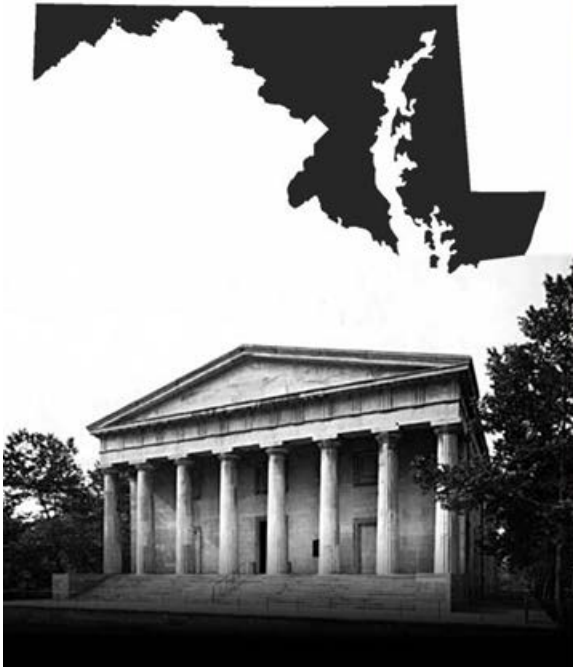
Madison was not forced to deliver the rest of the appointments, but the judicial branch had successfully asserted its power over the legislative branch. This was the first time the Supreme Court had declared an act of Congress unconstitutional. This firmly established the power of judicial review, which grants the Supreme Court the ability to invalidate legislative and executive actions deemed it unconstitutional. It is the judicial branch's main check against Congress and the President. This Supreme Court case, along with the rest of John Marshall's 34 years on the Court, helped the judicial branch gain the same status as the other two branches.

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McCulloch v. Maryland (1819)

McCulloch v. Maryland (1819)



- There were strong political differences between the Federalists and the Democratic-Republicans.
- When a national bank was created, many saw it as a way for the national government to gain more control.
- A branch of the national bank was opened in Baltimore, but Maryland attempted to shut it down.
- The state passed laws forcing banks that were created outside of the state to pay a steep tax.
- James McCulloch refused to pay the tax and Maryland sued him.
- McCulloch was convicted, but he appealed the decision.

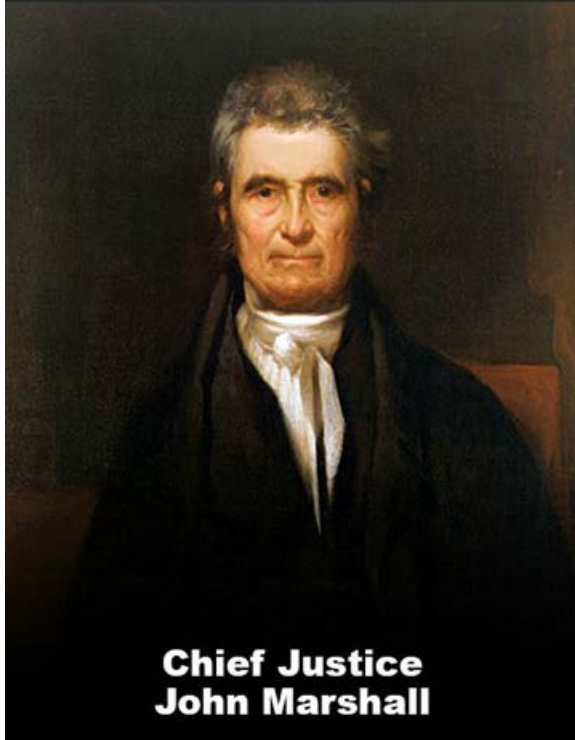
Jeanne Marcel: One of the main political differences during the early years of American government was between those who supported a strong national government, known as Federalists, and those who wanted power to reside primarily with the state governments, known as Democratic-Republicans. When a national bank was created by the United States government, many people saw it as a way for the national government to gain more control. A branch of the national bank was opened in Baltimore, but Maryland attempted to shut it down. The state passed laws forcing banks that were created outside of the state to pay a steep tax. James McCulloch worked as a cashier for the bank and refused to pay the tax. Maryland sued him under the argument that states had the right to tax any company that did business in the state. McCulloch was convicted, but he appealed the decision, which was brought to the Supreme Court.

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McCulloch v. Maryland (1819) Decision

7-0 Decision in Favor of McCulloch



**Chief Justice
John Marshall**

- The main issues addressed were whether Congress had the right to create a national bank and whether a state had the right to tax a bank operating inside its borders.
- The legislative branch is granted the power to lay and collect taxes, borrow money, and regulate commerce.
- The Court decided that in order to fulfill these responsibilities properly, it was necessary to establish a national bank.
- This decision reinforced the “Necessary and Proper” clause and expanded the limits of legislative power.
- The Court ruled that states could not pass legislation to interfere with a law passed by Congress.

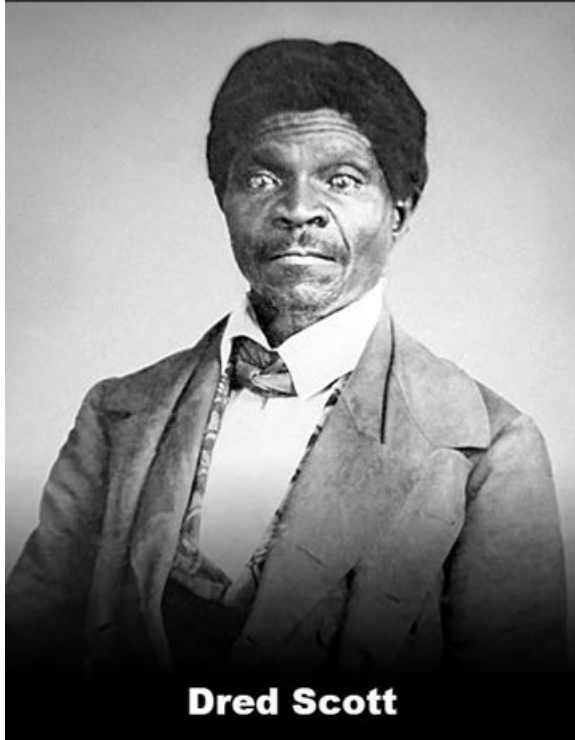
Jeanne Marcel: Chief Justice John Marshall presided over this case, which favored McCulloch in a unanimous decision. The main issues addressed by this case were whether Congress had the constitutional right to create a national bank and whether a state had the right to tax a bank operating inside its borders.

The Supreme Court decided that although the legislative branch was not explicitly granted the power to commission a national bank, under Article I, Section 8, it was granted the power to lay and collect taxes, borrow money, and regulate commerce. In order to fulfill these responsibilities properly, it was necessary for Congress to establish a national bank. This decision reinforced the “Necessary and Proper” clause and expanded it along with the limits of legislative power. As for whether the state of Maryland could tax the bank, the Court ruled that it could not. The argument was that states could not pass legislation to interfere with a law passed by Congress. In other words, the Constitution’s status as the supreme law of the land was upheld.

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Dred Scott v. Sandford (1857)

Dred Scott v. Sandford (1857)



- Dred Scott was an enslaved African American who was purchased in Missouri in 1834.
- Scott's slaveholder had taken Scott to Illinois and Wisconsin, which were both slavery-free.
- The slaveholder returned to Missouri, taking Scott and his family with him.
- When the slaveholder died, his widow inherited all of his property, which included Scott and his family.
- Scott attempted to purchase freedom for himself and his family, but the widow refused.
- Scott sued for his freedom, claiming that because he had visited a free state and a free territory, he was no longer a slave.

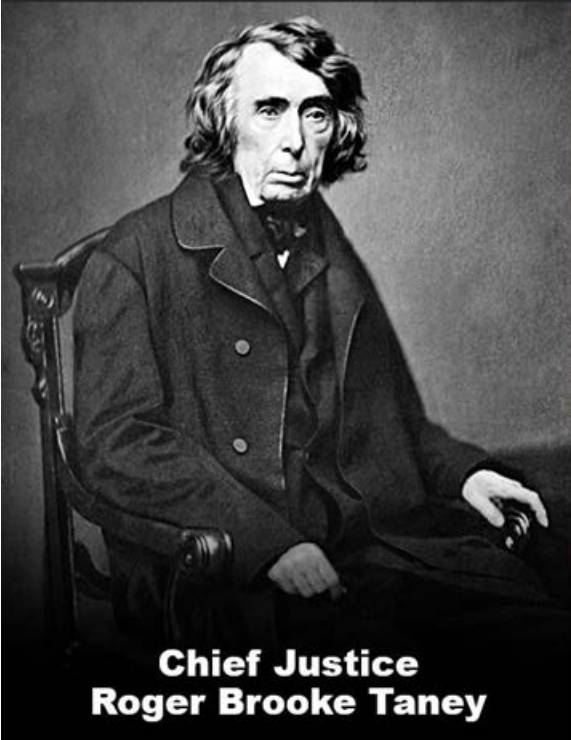
Jeanne Marcel: Dred Scott was an enslaved African American who was purchased in Missouri in 1834. Scott's slaveholder had taken Scott to Illinois, a slavery-free state. Then he took Scott to Wisconsin, which was a slavery-free territory under the Missouri Compromise. Over the next few years, Scott was rented out to perform different jobs. He was married and had two children. Eventually the slaveholder returned to Missouri, taking Scott and his family with him. When the slaveholder died a few years later, his widow inherited all of his property, which in a slave-holding state included Scott and his family. Scott attempted to purchase freedom for himself and his family, but the widow refused. Left with no other options, Scott sued for his freedom. Scott claimed that because he had visited the free state of Illinois and the free territory of Wisconsin, he was no longer a slave. The case was heard in the Missouri Supreme Court and lower federal courts, before eventually coming before the United States Supreme Court.

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Dred Scott v. Sandford (1857) Decision

7-2 Decision in Favor of Sandford



**Chief Justice
Roger Brooke Taney**

- The Court declared that slaves did not become free by visiting free states.
- It argued that it would deprive slaveholders of their property without due process of the law.
- The decision overturned the Missouri Compromise, claiming that Congress lacked the power to outlaw slavery.
- The majority opinion argued that African Americans were, by definition of the Constitution, not citizens.
- Taney's reasoning was that African Americans were considered inferior during the drafting of the Constitution.
- This ruling divided the country further, and was a major factor contributing to the Civil War.

Jeanne Marcel: Chief Justice Roger Taney presided over *Dred Scott v. Sandford* (1857), in an era when the country was deeply divided over slavery. The Court ruled against Scott in a 7-2 decision. The Supreme Court declared that slaves did not become free by visiting free states or territories. The argument was that this would deprive slaveholders of their property without due process of the law, violating the Fifth Amendment. The decision also overturned the Missouri Compromise, claiming that Congress lacked the power to outlaw slavery in the territories.

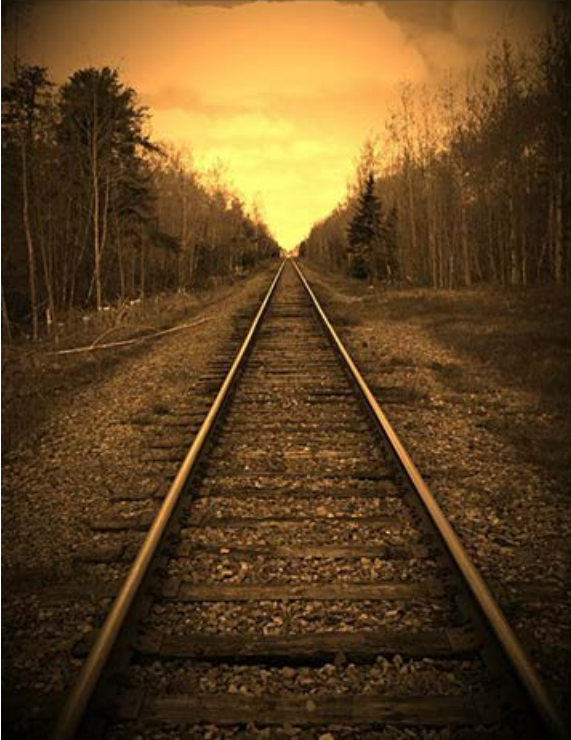
Perhaps the most devastating part of Chief Justice Roger Taney's majority opinion was that it argued African Americans were, by definition of the Constitution, not citizens. The majority opinion stated that the Founding Fathers did not view slaves as citizens. Since African Americans were considered inferior during the time the Constitution was written, to treat them as citizens would "give to the words of the Constitution a more liberal construction ... than they were intended to bear when the instrument was framed and adopted." This ruling divided the country even further, and was a major contributing factor to the American Civil War.

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Plessy v. Ferguson (1896)

Plessy v. Ferguson (1896)



- Many southern states passed laws restricting African Americans' rights.
- Louisiana passed the Separate Car Act in 1890, requiring companies to provide separate but equal railroad cars.
- Homer Plessy boarded a whites-only railroad car in 1892 and was arrested.
- Plessy's arrest was organized as an attempt to overturn the Separate Car Act by challenging it in the courts.
- The East Louisiana Railroad Company also wanted the law repealed.
- Plessy was one-eighth African American, and was chosen to show the irrationality of racism.
- Plessy went to the Supreme Court, arguing that segregation violated the 13th and 14th Amendments.

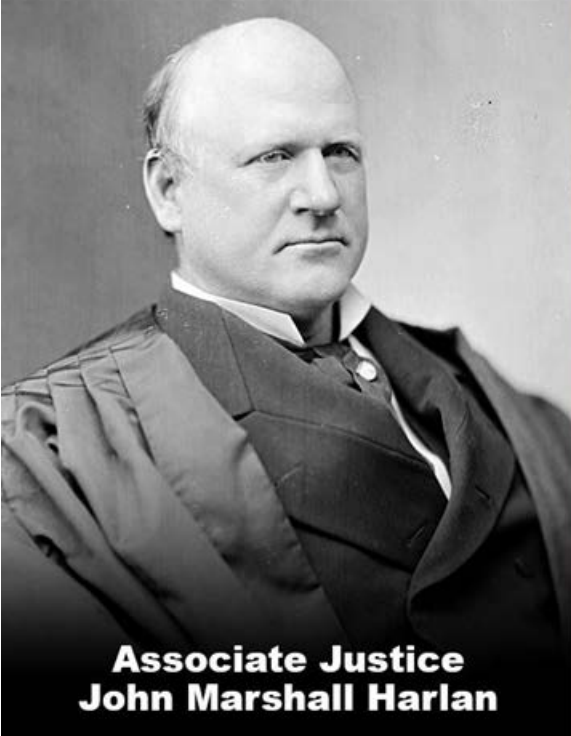
Jeanne Marcel: When the federal troops enforcing Reconstruction laws in the post-Civil War South were removed, many southern states began passing laws that restricted the rights of African Americans. Many of these laws forced African Americans to use separate facilities from white people. Louisiana passed a law called the Separate Car Act in 1890, which declared that all rail companies operating in Louisiana were required to provide separate but equal railroad cars for white passengers and non-white passengers.

In 1892, Homer Plessy boarded a whites-only railroad car in New Orleans, Louisiana. After taking his seat, Plessy was asked to move to the non-whites railroad car. He refused to vacate his seat and was arrested for violating the Separate Car Act. Plessy's arrest was actually carefully organized by a group of creole and African American professionals from New Orleans. They were attempting to overturn the Separate Car Act by challenging it in the courts. Their goal was to orchestrate a test case, or a legal action that would question the constitutionality of segregation and set a precedent. The East Louisiana Railroad Company also wanted the Separate Car Act repealed due to the extra cost of providing duplicate accommodations. The activists shared their plan to challenge the Act with the railroad company. Homer Plessy, who was one-eighth African American, would purchase a ticket and sit in the whites-only railroad car. Plessy was selected because he had a lighter complexion and could "pass" for white. The group believed this would help reinforce the irrationality of racism. Plessy lost twice in the lower courts before taking his case to the Supreme Court. He argued that the Separate Car Act violated the abolishment of slavery and involuntary servitude under the Thirteenth Amendment and equal protection under the Fourteenth Amendment.

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***Plessy v. Ferguson* (1896) Decision**

7-1 Decision in Favor of Ferguson



**Associate Justice
John Marshall Harlan**

“Our Constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law...”

“It is therefore to be regretted that this high tribunal...has reached the conclusion that it is competent for a State to regulate the enjoyment by citizens of their civil rights solely upon the basis of race.”

Jeanne Marcel: Justice Henry Brown wrote the majority opinion, which ruled in favor of Ferguson, by a vote of 7-1. The Court dismissed the claim that the law had violated the Thirteenth Amendment and argued that the Fourteenth Amendment was meant to enforce equality before the law, but was not intended to force social equality. The majority opinion declared that separating people by race did not imply inequality, as long as the facilities were actually equal.

This “separate but equal” decision led to the expansion of Jim Crow laws in the South, which perpetuated segregation for many years. Justice John Marshall Harlan, the only dissenter, wrote a scathing dissenting opinion of the decision. He wrote:

“Our Constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law...It is therefore to be regretted that this high tribunal...has reached the conclusion that it is competent for a State to regulate the enjoyment by citizens of their civil rights solely upon the basis of race.”

He continued:

“In my opinion, the judgment this day rendered will, in time, prove to be quite as pernicious as the decision made by this tribunal in the *Dred Scott Case*.”

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Brown v. Board of Education (1954)

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- Linda Brown and her sister attended school in Kansas, during the 1950s.
- They had to walk through a dangerous railroad switchyard to reach their bus stop, where they would catch a ride to their elementary school.
- Linda's family felt that the segregated school system was unconstitutional based on the 14th Amendment.
- At the district court level, it was decided that segregation was legal.
- The case was appealed to the Supreme Court under the argument that segregated schools could not be equal.

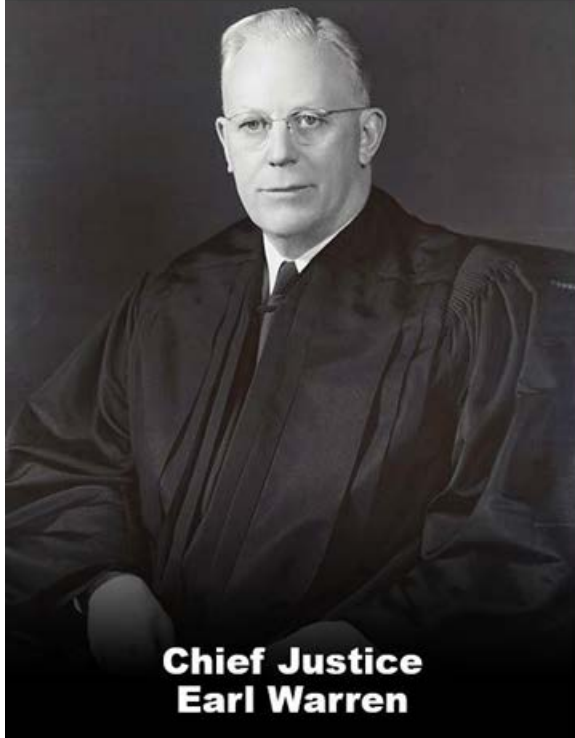
Jeanne Marcel: Linda Brown and her sister attended school in Topeka, Kansas, during the 1950s. They had to walk through a dangerous railroad switchyard to reach their bus stop, where they would catch a ride to their elementary school. There was a school closer to Linda's home, but it was only for white children. Linda's family felt that the segregated school system was unconstitutional based on the Fourteenth Amendment, so they took the case to court. At the district court level, it was decided that segregation was legal, since both schools had similar facilities, faculty, and transportation. The case was appealed to the Supreme Court under the argument that despite similar buildings and curriculum, segregated schools could not be equal.

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Brown v. Board of Education (1954) Decision

9-0 Decision in Favor of Brown



- The Court ruled unanimously in favor of Brown.
- The Court's decision found segregation unconstitutional.
- It reasoned that education plays a central role in creating intelligent, professional, and cultured citizens.
- Warren's majority opinion stated that segregating children "generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone..."
- Executing the law was not the responsibility of the Supreme Court.
- Many states fought against desegregation, requiring the executive branch to enforce the law.

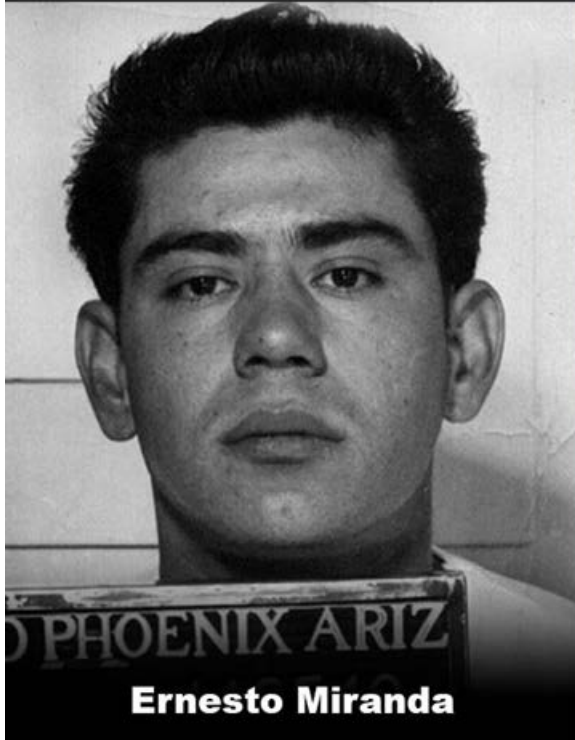
Jeanne Marcel: The Supreme Court under Chief Justice Earl Warren decided unanimously in favor of Brown. With a majority opinion that echoed the sentiments of Justice Harlan's dissenting opinion in *Plessy v. Ferguson* (1896), the Court found segregation unconstitutional. The Court believed that education played a central role in creating intelligent, professional, and cultured citizens. In his majority opinion, Warren stated that segregating children "generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone..."

Even with this landmark ruling on the side of social equality, executing the law was not the responsibility of the Supreme Court. Many states fought against desegregation and attempted to evade the ruling, leading to occasions where the executive branch was required to step in and enforce the law.

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Miranda v. Arizona (1966)

Miranda v. Arizona (1966)



- Ernesto Miranda was arrested after being identified by the victim of a crime.
- Prior to or during the process of questioning, Miranda was not informed of his right against self-incrimination under the 5th Amendment.
- He was not informed of his right to have an attorney assist him under the 6th Amendment.
- Miranda confessed to the police, which his attorney argued should not have been considered as evidence, since Miranda was unaware of his rights.
- The case was soon brought before the Supreme Court.

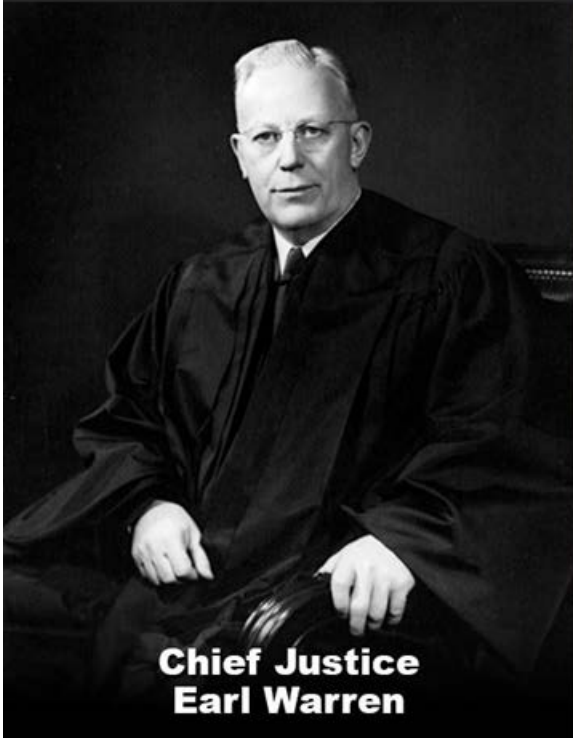
Jeanne Marcel: Ernesto Miranda was arrested by the police after being identified by the victim of a crime. Prior to or during the process of questioning, Miranda was not informed of his right against self-incrimination under the Fifth Amendment. He was also not informed of his right to have an attorney assist him under the Sixth Amendment. Miranda confessed to the police, which his attorney argued should not have been considered as evidence, since Miranda was unaware of his rights. The case was soon brought before the Supreme Court.

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Miranda v. Arizona (1966) Decision

5-4 Decision in Favor of Miranda



- The Court argued that suspects arrested under state law were required to be informed of their rights.
- The majority opinion stated that the right against self-incrimination is a fundamental part of the justice system.
- Before questioning, police are required to read suspects their "Miranda Rights" or the "Miranda Warning."
- The dissenting opinion argued that the new rules were a "hazardous experiment" and would not protect against forcing a confession.
- The dissenting opinion stated that these rules only prevented techniques used by honest police.

Jeanne Marcel: Chief Justice Earl Warren presided over the Supreme Court, which ruled in Miranda's favor with a vote of 5-4. The Court argued that suspects arrested under state law were required to be informed of their constitutional rights, specifically the Fifth Amendment (the right to remain silent), and the Sixth Amendment (the right to an attorney). The majority opinion stated that the Fifth Amendment right against self-incrimination is a fundamental part of the American justice system. Before questioning suspects, police are now required to read suspects their "Miranda Rights" or the "Miranda Warning."

The dissenting opinion argued that the new rules were a "hazardous experiment" and would not protect against police brutality or other methods of forcing a confession. It also suggested that officers willing use these tactics would have no issue with lying about their use in court. Therefore, the only thing these rules prevented was the techniques honest police officers used to do their job.

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Ending of Episode



Demi Tracy: I know those six cases barely scratched the surface in the grand scheme of important Supreme Court cases, but they do a nice job of illustrating how the Supreme Court initially gained its equal status to the legislative and executive branches, as well as how its rulings have helped shape America. Thanks for watching!