

CIVIL RIGHTS & LIBERTIES – POLS 3321
Department of Political Science
University of Texas at El Paso
T/Th, 1:30-2:50pm; Education 301
Syllabus – Spring 2019

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Course Description (from Undergraduate Catalog):

A study of the limitations on governmental power in the United States, with primary emphasis on civil and political rights. Prerequisites: POLS 2310 and POLS 2311; and either POLS 2312 or junior standing.

Course Overview and Objectives:

This course focuses on the development of constitutional interpretation in certain areas of case law relating to civil rights and liberties. We will utilize a case book approach commonly used in a constitutional law class in law school, although we will make use of additional readings as well. This portion of the class will use the Socratic Method. In addition to learning about constitutional law in general, this approach is designed to expose students to judicial cases in order to understand the legal analyses employed by the Supreme Court within different political contexts.

Course Learning Objectives:

This course is hard, as it is taught fairly similarly to law school. However, with appropriate levels of effort and willingness, students can excel. If you do so, by the end of this course you will be able to:

- discuss the broader political climate of the Supreme Court's decision-making, past and present
- explain important legal concepts utilized by the Supreme Court
- discuss current trends in Constitutional case
- understand the legal foundations and parameters of the Constitution
- brief court decisions
- engage in appellate research
- present appellate court oral arguments
- argue legal principles involved in Constitutional cases

UTEP Edge

The UTEP Edge is our philosophy that acknowledges the many assets our students bring to the University. We provide a variety of high-impact experiences both in and out of the classroom through work of our faculty, staff, alumni, and community partners that build on these assets and talents. Many of the assignments and discussions in this class will further develop the talents you bring to this class such as developing your communication skills, teamwork, critical thinking, and problem solving.

- Communicate information clearly and effectively (Oral and Written)
- Demonstrate strategic and on-the-fly thinking patterns while learning
- Apply analysis and synthesis through legal reasoning

Texts:

1. Louis Fisher and Katy J. Harriger, *American Constitutional Law: Volume 2, Constitutional Rights*, Eleventh Edition (Carolina Academic Press 2016, ISBN 978-1-61163-811-0)

Grading:

The final course grade is based entirely upon performance on the exams and case brief as stated below:

- Student's highest exam grade: 20%
- Student's next-highest exam grade: 20%
- Student's lowest exam grade: 15%
- Socratic Method/Class Participation: 15%
- Case Brief: 10%
- Moot Court: 20%

Policies:

The student who chooses not to attend class does so at their own peril. While attendance will not be formally recorded, your grade will most certainly drop if you do not attend. If you are not in attendance when I call on you in class, you will receive a zero for the day. This will be explained in depth in class.

Information for the students will be communicated in two ways 1. In class; 2. Through email. The only email address I will use to contact you is your official "utep.edu" account. This means as a requirement of this course you will need to regularly check this account if you do not already. "I did not receive notification," is not a valid excuse.

For this class I will be banning laptops in the classroom. Recent studies have shown that students who use laptops in the classroom have lower grades (on average) than their peers who do not. While laptops can facilitate good note taking, I have found their use, not unlike cell phones, to be distracting to the student using them. Furthermore, computers can also prove distracting to other students.

Grading Scale:

The following numerical averages translate into final course grades:

90: A (4.0)

80-89: B (3.0)

70-79: C (2.0)

60-69: D (1.0)

–60: F (0.0)

Exams:

The three exams will consist of 15 multiple choice questions (worth 30% of the exam) and two of three LONG essays (worth 70% of the exam). The essays will involve large themes covered in class and will be apparent if you are in attendance and pay attention. Much of the material on the exams is delivered in class; however, some material from the readings *not* covered in class is tested on the exams as well. **YOU MUST BRING A BLUE BOOK TO EACH EXAM OR I WILL NOT ALLOW YOU TO TAKE IT.**

Test 1: Feb 19

Test 2: March 26

Test 3: May 9

Make-Up Exams:

It is completely the student's responsibility to take the exams when they are scheduled. As a general rule, make-up exams **will not be** allowed; thus, a missed exam counts as a zero (0) toward the final course grade. Notwithstanding, at the instructor's sole discretion make-ups will be permitted, but only the gravest of reasons will be accepted, **if** documented in writing by the proper authority. Even if there is an acceptable reason for missing the regularly scheduled exam, permission to take a make-up will be granted **only** if the student provides the professor with prompt and proper notification; that is, the student **must** inform the professor of the reason for missing the exam with proper documentation **before** the exam takes place, **and** the reason must be acceptable to the instructor. If a make-up is permitted, both the format and questions can, and likely will, be different from the regularly scheduled exam.

Classroom Allies:

You will find that your best allies are your classmates in this course. If you are interested in studying with other members, I can help to facilitate this process by passing around a signup sheet for names/phone numbers/email addresses. Experience has shown in this course that students with similar energy levels, who have similar study habits, and whom live close to each other make the best study partners. It is, however, entirely up to you to make these events happen.

Moot Court:

The last portion of your grade (worth as much as an exam) is a simulation of a Supreme Court oral argument, hence a moot court. The assignment features a team of student attorneys presenting an oral argument before a panel of student justices. The topic (which will be forthcoming) will be drawn from a current case scheduled for oral argument before the United States Supreme Court. This assignment is designed to facilitate many different skills that are important for professions (especially attorneys), but, at the end of the day, I want you all to enjoy this assignment.

Student Attorneys: You will be required to write and deliver an oral argument before the moot court. The argument will last approximately 10 minutes, including questions from the panel of justices. The case will be separated into two sections: you will speak for 10 minutes on one issue, while your partner speaks for 10 on their issue. You will grade on the thoroughness (knowledge) of your presentation (10 percent), and the ability with which you answer questions posed to you by the panel of justices and your general demeanor during oral arguments (10 percent). Please remember, your job is not to finish all of your prepared remarks (trust me, you won't), but to persuade your fellow student justices that your client's position is the one which is correct.

Student Justices: Your assignment will be different from the attorneys for obvious reasons. You will be required to write a minimum five-page biography of the real justice whom you are portraying (5 percent). The purpose of this requirement is so that you will become familiar with not only whom you are portraying as an individual, but also (indeed, more importantly) their case history and approach to deciding cases. This will be quite important for the next assignments. **Sources:** There is a wealth of information written on each of these individuals. Finding sources should not be difficult. I do not like giving students a minimum number of sources for obvious reasons, but I will state more is always better. Newspapers and magazine articles are not the appropriate sources to be used for this type of paper. Any website which has "pedia" at the end is not acceptable in any type of paper including this one. Use multiple SCHOLARLY sources. If you have questions as to the validity of a source, ask me before using it, as I will deduct points for inappropriate sources. I expect in-text citation using MLA style guidelines.

In addition, justices will be graded based upon the quality of questions they pose to counsel during the oral arguments (10 percent). These questions should be topical, of general interest to your justice, and to the core of the issues at hand. Finally, justices will be graded upon their deliberations with the other members of the Court as ultimately demonstrated with the written Opinion of the Court's ruling as well as any other dissents and concurrences (5 percent).

Academic Honesty and Integrity:

Per UTEP policy: The University of Texas at El Paso prides itself on its standards of academic excellence. In all matters of intellectual pursuit, UTEP faculty and students must strive to achieve excellence based on the quality of work produced by the individual. In the classroom and in all other academic activities, students are expected to uphold the highest standards of academic integrity. Any form of scholastic dishonesty is an affront to the pursuit of knowledge and jeopardizes the quality of the degree awarded to all graduates of UTEP. It is imperative,

therefore, that the members of this academic community understand the regulations pertaining to academic integrity and that all faculty insist on adherence to these standards.

Any student who commits an act of scholastic dishonesty is subject to discipline. Scholastic dishonesty includes, but is not limited to, cheating, plagiarism, collusion, the submission for credit of any work or materials that are attributable in whole or in part to another person, taking an examination for another person, and any act designed to give unfair advantage to a student or the attempt to commit such acts. Proven violations of the detailed regulations, as printed in the Handbook of Operating Procedures (HOP) and available in the Office of the Dean of Students and the homepage of The Dean of Students at www.utep.edu/dos, may result in sanctions ranging from disciplinary probation, to failing a grade on the work in question, to a failing grade in the course, to suspension or dismissal, among others.

Case Briefs:

Each student is responsible for writing two case briefs. When your case is discussed in class, you must answer questions about the case you have briefed (and this will also count for class participation). Case briefs not submitted in a timely manner and not discussed in class will be assigned a grade of zero (which will count double considering the discussion will be graded twice). A list of cases available for briefing, instructions and requirements for the briefs, due dates, and a sample case brief, follow this Syllabus.

University Writing Center:

The University Writing Center is a useful tool each of you should take advantage of in the course of writing this paper. While I do not require you to go, I can say definitively that your paper will be improved following a consultation with the staff. The staff sees students through appointments or walk-ins, though appointments are preferred. For more information and the registration form go <http://academics.utep.edu/Default.aspx?tabid=47508>

Special Needs:

If you have a disability and need classroom accommodations, please contact The Center for Accommodations and Support Services (CASS) at 747-5148, or by email to cass@utep.edu, or visit their office located in UTEP Union East, Room 106. For additional information, please visit the CASS website at www.sa.utep.edu/cass. *CASS' Staff are the only individuals who can validate and if need be, authorize accommodations for students with disabilities.*

Class Schedule:

We meet every Monday and Wednesday from 1:30-2:50pm during the semester, with the exception of the following dates during which ***class is cancelled:***

March 18-22 Spring Break

Schedule of Assignments:

All references are to the Fisher casebook, unless provided otherwise. A case or reading denoted by *signifies that it is not found in any of the assigned books, and alternate references are supplied; a reading denoted by ** signifies that it can be found on my website.

I. The Supreme Court, Judicial Power & Review, and the Role of the Supreme Court in Social Policy (Jan 22-24)

The Constitution of the United States, Appendix 1
Constitutional Politics,
Mechanical Jurisprudence,
Litigation as a Political Process,
Judge as Lawmaker,
Judge as Administrator,
Independent State Action,
Who Has the Last Word?,
The Doctrine of Judicial Review,
Framers' Intent,
Threshold Requirements,
Cases and Controversies,
Standing to Sue,
Mootness,
Ripeness,
Political Questions,
The Writ of Certiorari,
From Oral Argument to Decision,
Unanimity and Dissent,
Sources of Judicial Review Authority,
Federalist No. 78,
The Road to *Marbury*,
Marbury v. Madison (1803)
Jurisdiction: Original and Appellate,
Constraints on Judicial Review,
The *Carolene* Footnote,

II. Incorporation of the Bill of Rights (Jan 29 – Feb 5)

Nationalization of the Bill of Rights, p. 388
The Incorporation Doctrine, pp. 389
**Barron v. Baltimore*, 32 U.S. 242 (1833)
http://supct.law.cornell.edu/supct/html/historics/USSC_CR_0032_0243_ZO.html
**Slaughter-House Cases*, 83 U.S. 36 (1873)
<https://www.law.cornell.edu/supremecourt/text/83/36>
**Adamson v. California*, 332 U.S. 46 (1947)
<http://www.law.cornell.edu/supremecourt/text/332/46>
Duncan v. Louisiana, 391 U.S. 145 (1968), pp 657
Table 8.2: Incorporation of Bill of Rights, pp. 390-391

The Incorporation Doctrine: Testimony by Justice Rehnquist, pp. 392-393

III. Freedom of Speech (Feb 7 – 14)

Free Speech in a Democratic Society, p. 445
Free Speech and National Security, pp. 445-449
Schenck v. United States (1919), pp. 450
Abrams v. United States (1919), pp. 451
Gitlow v. New York (1925), pp. 452
Dennis v. United States (1951), pp. 456
Brandenburg v. Ohio (1969), pp. 458
Holder v. Humanitarian Law Project (2010), pp. 460
Associational Rights, pp. 463-465
**Boy Scouts of America v. Dale*, 120 S. Ct. 2446 (2000)
<http://supct.law.cornell.edu/supct/html/99-699.ZO.html>
Regulation of Speech, pp. 467-476
Walker v. Texas Div., Sons of Confederate Veterans, Inc. (2015), pp. 476
Cohen v. California (1971), pp. 479
R.A.V. v. St. Paul (1992), pp. 482
Tinker v. Des Moines School Dist. (1969), pp. 484
Morse v. Frederick (2007), pp. 486
Forms of Speech, pp. 488-491
Texas v. Johnson (1989), pp. 492
Snyder v. Phelps (2011), pp. 494
Conclusions, pp. 506

Exam 1 (Feb 19)

IV. Racial Discrimination (Feb 21 – Mar 26)

Racial Discrimination; Slavery, pp. 787-791
Dred Scott v. Sandford (1857), pp. 791
***Mississippi Historical Society*: “A Declaration Of The Immediate Causes Which Induce And Justify The Secession Of The State Of Mississippi From The Federal Union.” January 1861
http://avalon.law.yale.edu/19th_century/csa_missec.asp
Civil War Amendments, pp. 794-798
**Slaughter-House Cases*, 83 U.S. 36, (1873)
<https://www.law.cornell.edu/supremecourt/text/83/36>
Civil Rights Cases (1883), pp. 798
Plessy v. Ferguson (1896), pp. 800
**Strauder v. West Virginia*, 100 U.S. 303 (1880)
http://supct.law.cornell.edu/supct/html/historics/USSC_CR_0100_0303_ZO.html
Yick Wo v. Hopkins, 118 U.S. 356 (1886), pp. 901
School Desegregation, pp. 803-811
Review: The Carolene Footnote, p. 804 (box)
**Missouri ex rel. Gaines v. Canada*, 305 U.S. 337 (1938)
http://supct.law.cornell.edu/supct/html/historics/USSC_CR_0305_0337_ZO.html

**Sweatt v. Painter*, 339 U.S. 629 (1950)
http://supct.law.cornell.edu/supct/html/historics/USSC_CR_0339_0629_ZO.html
**McLaurin v. Oklahoma State Regents*, 339 U.S. 637 (1950)
http://supct.law.cornell.edu/supct/html/historics/USSC_CR_0339_0637_ZO.html
Government's Brief in *Brown*, 811-812
Brown v. Board of Education I (1954), pp. 812
Bolling v. Sharpe (1954), pp. 815
Brown v. Board of Education II (1955), pp. 816
Cooper v. Aaron (1958), pp. 817
**Griffin v. School Board of Prince Edward Co.*, 377 U.S. 218 (1964)
<http://www.law.cornell.edu/supremecourt/text/375/391>
**Green v. County School Board of New Kent County*, 391 U.S. 430 (1968)
http://supct.law.cornell.edu/supct/html/historics/USSC_CR_0391_0430_ZO.html
Swann v. Charlotte-Mecklenburg Board of Education (1971), pp. 819
Milliken v. Bradley (1974), pp. 820
**Freeman v. Pitts*, 503 U.S. 467 (1992)
http://supct.law.cornell.edu/supct/html/historics/USSC_CR_0503_0467_ZO.html
Parents Involved in Community Schools v. Seattle School District No. 1, (2007), pp. 822
**Bob Jones University v. U.S.*, 461 U.S. 574 (1983)
http://supct.law.cornell.edu/supct/html/historics/USSC_CR_0461_0574_ZO.html
Desegregating Other Activities, pp. 826-829
Shelley v. Kraemer (1948), pp. 830
Congress Interprets the Commerce Clause, pp. 831-832
Heart of Atlanta Motel v. United States (1964), pp.832
Employment and Affirmative Action, pp. 835-845
**Griggs v. Duke Power Co.*, 401 U.S. 424 (1971)
http://supct.law.cornell.edu/supct/html/historics/USSC_CR_0401_0424_ZO.html
Regents of the University of California v. Bakke (1978), pp. 845
Gratz v. Bollinger (2003), pp.854
Grutter v. Bollinger (2003), pp. 855
Conclusions, pp. 857

Exam 2 - March 28

V. Gender Issues (Apr 2 – Apr 16)

The Struggle for Women's Rights, pp. 861-866
Bradwell v. State (1873), pp. 866
Congress Responds to *Bradwell*; Equal Pay Act of 1963; Civil Rights Act of 1964, pp. 868-872
Contemporary Gender Issues, pp. 872-881
**Goesart v. Cleary*, 335 U.S. 464 (1948)
<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=335&invol=464>
**Reed v. Reed*, 404 U.S. 71 (1971)
http://supct.law.cornell.edu/supct/html/historics/USSC_CR_0404_0071_ZO.html
Frontiero v. Richardson (1973), pp. 881
Craig v. Boren (1976), pp. 883
Personnel Administrator of Massachusetts v. Feeney (1979), pp. 887
Michael M. v. Sonoma County Superior Court (1981), pp. 885

**Cleveland Board of Education v. LaFleur*, 414 U.S. 632 (1974)
http://www.law.cornell.edu/supct/html/historics/USSC_CR_0414_0632_ZO.html
**Geduldig v. Aiello*, 417 U.S. 484 (1974)
<http://caselaw.findlaw.com/scripts/getcase.pl?court=us&vol=417&invol=484>
**General Electric Co. v. Gilbert*, 429 U.S. 125 (1976)
<http://caselaw.findlaw.com/scripts/getcase.pl?court=us&vol=429&invol=125>
Automobile Workers v. Johnson Controls (1991), pp. 890
Senate Debates Women in Combat, pp. 894-895
Rostker v. Goldberg (1981), pp. 892
U.S. v. Virginia (1996), pp. 895
**U.S. v. Morrison*, 528 U.S. 598 (2000)
<http://www.law.cornell.edu/supct/html/99-5.ZS.html>
**Ferguson v. City of Charleston*, 532 U.S. 67 (2001)
<http://www.law.cornell.edu/supct/html/99-936.ZS.html>

VI. Privacy Rights (Apr 16 – May 2)

Dimensions of Privacy, pp. 925-929
Buck v. Bell (1927), pp. 929
**Skinner v. Oklahoma*, 316 U.S. 535 (1942)
http://supct.law.cornell.edu/supct/html/historics/USSC_CR_0316_0535_ZO.html
**Loving v. Virginia*, 388 U.S. 1 (1967)
http://supct.law.cornell.edu/supct/html/historics/USSC_CR_0388_0001_ZO.html
Stanley v. Georgia (1969), pp. 931
Substantive Due Process, pp. 428-432
Lochner v. New York (1905), pp. 432
West Coast Hotel Co. v. Parrish (1937), pp. 437
Use of Contraceptives, pp. 932-934
Griswold v. Connecticut (1965), pp. 934
**Carey v. Population Services*, 431 U.S. 678 (1977)
http://supct.law.cornell.edu/supct/html/historics/USSC_CR_0431_0678_ZO.html
Reproductive Freedom, pp. 936-945
Roe v. Wade (1973), pp. 946
Akron v. Akron Center for Reproductive Health (1983), pp. 952
Planned Parenthood v. Casey (1992), pp. 954
Stenberg v. Carhart (2000), pp. 956
Gonzales v. Carhart (2007), pp. 958
**McCullen v. Coakley*, 573 U.S. ____ (2014)
<https://supreme.justia.com/cases/federal/us/573/12-1168/>
**Whole Woman's Health v. Hellerstedt*, 576 U.S. ____ (2016)
<https://supreme.justia.com/cases/federal/us/579/15-274/>
Gay Rights, pp. 967-971
Bowers v. Hardwick (1986), pp. 972
Lawrence v. Texas (2003), pp. 974
United States v. Windsor (2013), pp. 919
Obergefell v. Hodges, (2015), pp. 976

May 7 and 9 will be our Moot Court Days

Exam 3 - May 16 1:00 pm – 3:45 pm

Case Brief Information

As mentioned earlier, each student is responsible to brief two cases during the semester. The assignment in its entirety entails writing said brief, turning it in on the day the case is discussed, and leading the discussion of the case, as well as answering questions based upon the brief. Do **NOT** use any additional sources for your case brief. All the information you need is in the Fisher case book. I have included a sample brief at the end of this document and that format should be adopted without modification. Your case brief is due in class when it is discussed. Since this class is fluid, I cannot put a hard date on when it is due. The only way to know is to come to class daily and rely upon friends in the course.

You will have until Monday the 29th of January to email me your top three choices for cases to brief. You may choose no more than one case from any section. I will then assign the cases formally. If you do not email me preferences I will assign you cases. It will be unchangeable.

Cases:

Incorporation of the Bill of Rights

Barron v. Baltimore (1833)
Slaughter-House Cases (1873)
Adamson v. California (1947)
Duncan v. Louisiana (1968)

Freedom of Speech

Schenck v. United States (1919)
Abrams v. United States (1919)
Gitlow v. New York (1925)
Dennis v. United States (1951)
Brandenburg v. Ohio (1969)
Holder v. Humanitarian Law Project (2010)
Boy Scouts of America V. Dale (2000)
Cohen v. California (1971)
R.A.V. v. St. Paul (1992)
Tinker v. Des Moines School Dist. (1969)
Morse v. Frederick (2007)
Texas v. Johnson (1989)
Snyder v. Phelps (2011)

Racial Discrimination

Dred Scott v. Sandford (1857)
Civil Rights Cases (1883)
Plessy v. Ferguson (1896)
Strauder v. West Virginia (1880)

Yick Wo v. West Virginia (1886)
Missouri ex rel. Gaines v. Canada (1938)
Sweatt v. Painter (1950)
McLaurin v. Oklahoma State Regents (1950)
Brown v. Board of Education I (1954)
Bolling v. Sharpe (1954)
Brown v. Board of Education II (1955)
Cooper v. Aaron (1958)
Griffin v. School Board of Prince Edward Co. (1964)
Green v. County School Board of New Kent County (1968)
Swann v. Charlotte-Mecklenburg Board of Education (1971)
Milliken v. Bradley (1974)
Freeman v. Pitts (1992)
Parents Involved in Community Schools v. Seattle School District No. 1 (2007)
Shelley v. Kraemer (1948)
Heart of Atlanta Motel v. United States (1964)
Regents of the University of California v. Bakke (1978)
Gratz v. Bollinger (2003)
Grutter v. Bollinger (2003)

Gender Issues

Bradwell v. State (1873)
Goeseart v. Cleary (1948)
Reed v. Reed (1971)
Frontiero v. Richardson (1973)
Craig v. Boren (1976)
Personnel Administrator of Massachusetts v. Feeney (1979)
Michael M. v. Sonoma County Superior Court (1981)
Cleveland Board of Education v. LaFleur (1974)
Geduldig v. Aiello (1974)
General Electric Co. v. Gilbert (1976)
Automobile Workers v. Johnson Controls (1991)
Rostker v. Goldberg (1981)
U.S. v. Virginia (1996)
U.S. v. Morrison (2000)
Ferguson v. City of Charleston (2001)

Privacy Rights

Buck v. Bell (1927)
Skinner v. Oklahoma (1942)
Loving v. Virginia (1967)
Stanley v. Georgia (1969)
Lochner v. New York (1905)
West Coast Hotel Co. v. Parrish (1937)
Griswold v. Connecticut (1965)
Carey v. Population Services (1977)

Roe v. Wade (1973)
Akron v. Akron Center for Reproductive Health (1983)
Planned Parenthood v. Casey (1992)
Stenberg v. Carhart (2000)
Gonzales v. Carhart (2007)
McCullen v. Coakley (2014)
Whole Woman's Health v. Hellerstedt (2016)
Bowers v. Hardwick (1986)
Lawrence v. Texas (2003)
U.S. v. Windsor (2013)
Obergefell v. Hodges (2015)

Marbury v. Madison
5 U.S. 137 (1803)
CJ Marshall, majority opinion

Facts: President Adams, following an electoral loss, appointed Marbury, among other, to a federal judicial post called the DC Justice of the Peace. The appointments were approved by the lame duck Senate, signed by the President, sealed, but failed to be delivered, which was the duty of then Sec. of State, John Marshall. After taking office and being sworn in, President Jefferson refused to deliver the appointments. Marbury, whom was denied his appointment, filed suit in the Supreme Court of the United States requesting a writ of mandamus, which would order President Jefferson to deliver the appointments.

Issues: Is Marbury entitled to his appointment? If Marbury is entitled to his post, is there a legal remedy available? If so, is a writ of mandamus from the Supreme Court proper?

Holding: Yes. Yes. No.

Rationale: The judicial office Marbury seeks was correctly appointed, approved, signed and sealed. The neglect of its delivery is simple a ministerial failure, and should not prevent Marbury from his appointment which was conducted as required by law. Furthermore, Marbury does have a legal means to secure his appointment by law, and that is a writ of mandamus. However, the act which gave the Supreme Court the authority to issue writs of mandamus with original jurisdiction (The Judiciary Act of 1789) runs afoul of the US Constitution. The Constitution spells out specifically in what types of case the Supreme Court has original jurisdiction in, and to augment this list, the Constitution would have to be amended. Therefore, Marshall develops a syllogism: 1) The Constitution is the supreme law of the land, 2) § 13 of the Judiciary Act contradicts the Constitution, 3) Thus, § 13 is unconstitutional. Therefore, the method by which Marbury attempted to use is ruled null and void. The important portion of this decision does not concern Marbury and his appointment, but instead that the Supreme Court asserted their power to engage in judicial review over the other branches of government.

Other
Opinions: None

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