**Chapter 4: The Federal and State Courts**

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**Introduction**

Here is a simple question. What does justice look like? Here’s another simple question. Where does someone go to find justice? The answer to either of these questions is not always that simple.

To someone who has been the victim of a crime, justice may mean having the guilty person caught. To a police officer, justice may mean catching the criminal. To the people who work in the courts, justice may involve the administration of the legal process and/or the proper interpretation of laws. To someone who has been wrongfully convicted, justice may not seem to exist.

Our ideas of justice are usually colored by our experiences in the world, our education and our understanding of the legal system; that is, whether or not we have reason to trust the systems— law enforcement, courts, government officials—who have been designated by the U.S. government to “protect and serve.” These perceptions are formed in relation to our respective economic resources, political connections, immigration status and our racial background. Not all people have access to the same level of justice in the U.S. legal system.

In this chapter, we will examine the justice system by looking at the basic structure of the federal and state court system. We will look at how the different layers operate, beginning with the trial courts, then to the appellate courts and finally the highest courts in each system. For the state courts we will pay special attention to New York.

**The Federal Judiciary: A Concise History**

Article Three of the United States Constitution created the “One Supreme Court” and “inferior courts” as the Congress may require. Some, but not all of the powers of the United States Supreme Court were stated in the U.S. Constitution. As time has passed, the U.S. Supreme Court has taken on additional powers not originally granted to it by the Founding Fathers in the U.S. Constitution.

One power that the Supreme Court took onto itself was that of “[**Judicial Review**](https://www.youtube.com/watch?v=mWYFwl93uCM).” Simply put, Judicial Review is the power of the Court to rule whether an Act of Congress (a law) is “constitutional” or “unconstitutional.”

In the famous case of [Marbury v. Madison](https://www.khanacademy.org/humanities/us-government-and-civics/us-gov-the-national-constitution-center/us-gov-landmark-supreme-court-cases/v/marbury-v-madison) (1803), the United State Supreme Court established itself as a co-equal branch of government possessing the power to “review” the decisions and laws put forward by the other branches of government (i.e., the Congress and the Presidency), with the ability to reject the laws if the court deems them unconstitutional.[[1]](#footnote-1)

The United States Supreme Court is also known for making incredibly bad and [racist decisions](https://www.thoughtco.com/racist-supreme-court-rulings-721615) that have gone down in history as simply wrongly decided and were simply based on the prejudices of the time and not on adequate and competent judicial evaluation. One such case was [Dred Scott v. Sandford](https://www.youtube.com/watch?v=njHnUtyFWwk) (1857), where the United States Supreme Court said that Black citizens were not “citizens” under the U.S. Constitution and that “enslaved persons” escaping to a “free territory” had to be returned to their “owners.” In this decision the Court allowed for the ownership of human beings.

Similarly, in [Plessy v. Ferguson](https://www.youtube.com/watch?v=vsDTqtyiNZk) (1896) the Court stated that “separate but equal accommodations ‘for Black and White Americans’ in transportation was constitutional.” This one decision would essentially reduce Black Americans to the status of “second class citizenship” for more than a half century. While the “Separate” part of the ruling was enforced throughout the U.S. South, “Equal” was not. Black Americans would be barred from many everyday activities and U.S. institutions, thus allowing White citizens to declare spaces—even public spaces—Whites Only. The Plessy decision would remain law in the United States, denying Black Americans even the lowest level of American citizenship, until the [Brown v. The Board of Education of Topeka, Kansas](https://www.youtube.com/watch?v=B-Pe3BTa1O8) (1954) decision reversed Plessy. Even after the Brown decision much of White America openly resisted (legally and in everyday practice) any association with Black Americans. The decisions of U.S. Supreme Court are far reaching and can result in the denial or expansion of everyday basic rights to millions of Americans with decades long consequences.

*Assignment: In a paragraph answer the following prompt: Does the above history of judicial racism in this county impact modern race relations in the United States? Why or why not?*

[**The Role of the Courts**](https://www.youtube.com/watch?v=IGyx5UEwgtA)

In every part of the American society, courts play a very significant role. In the United States courts resolve disputes between and among “parties to a lawsuit” called **litigants**. Courts are where the guilt or non-guilt of defendants is decided. Courts are where the aggrieved person can, theoretically, get his or her “day in court.”

In the American legal system, there are generally two specific types of cases. A case can be a “**civil case**” or a “**criminal case**.” A criminal case is filed when one person (or more) is accused of violating some aspect of the penal or criminal law. When the case gets to a trial, it is a trial jury that will decide whether the person (the defendant) is “guilty” or “not guilty.”

A “civil case” involves one person suing another person and asking the court to determine which side is “right” according to the law. Civil cases seek money judgments (damages) that will compensate them for their loss.[[2]](#footnote-2)

Damages in a civil case can still be paid out when a defendant is not charged or found not-guilty in a criminal case. For instance, while in 1996 a jury found O.J. Simpson not guilty in his criminal case for killing Nicole Brown Simpson and Ron Goldman, a civil jury found Simpson liable for their deaths and ordered him to pay over $30 million dollars in damages to Brown and Goldman’s families. ([O.J. Simpson Appeals Civil Suit Verdict](the%20enforcement%20arm%20of%20the%20U.S.%20government,))

The rules concerning liability are significantly different for ordinary citizens and police officers. When police shootings occur, the officers themselves are not liable to pay damages, shielded by a Supreme Court protection called **qualified immunity**. However, the municipality and taxpayers often bare steep costs for wrongdoing by officers. Though the officers who murdered Breonna Taylor were not charge nor held financially liable, a civil settlement awarded Taylor’s family $12 million in damages. (Corley)

https://www.youtube.com/watch?v=nE9cNjCjPGM

*Assignment: President Joe Biden has said he will allow Qualified Immunity to continue, but attempt to “rein it in.” Through legislation, Congress and the President could get rid of this shield created by the Supreme Court that protects officers. In a page or less write a letter to President Biden, using evidence from the video* [*Qualified Immunity: Origins of a Police Liability Shield*](https://www.youtube.com/watch?v=nE9cNjCjPGM) *in explaining what you think he should do about Qualified Immunity.*

**Where Cases are Tried**

Different courts are responsible for trying different types of cases. If someone is accused of violating a state law (civil or criminal), that case will be tried in state courts. The vast majority of criminal cases avoid trial and are settled out of court, but those that are not, most often go to state court. Each state creates its own system of state courts.

Cases are tried in federal courts if a case involves a federal law, a treaty, the U.S. constitution, or if the U.S. government is “party to the litigation,” or the dispute involves more than one state with more than $70,000 at stake.

Whether a case is tried in federal or state courts, the case begins in trial courts, which is the lowest level of any court system.

**The Federal Judiciary**

The Federal Judiciary operates on three levels. Level one is where a case will begin, whether it is a civil case or a criminal case. At this first level, we find the United States[**District Courts**](https://www.uscourts.gov/about-federal-courts/court-role-and-structure). These U.S. District Courts are trial courts. There are 94 District Courts throughout the United States. When you hear about someone who is charged with a federal crime or someone suing in the Federal Courts, these cases, whether civil or criminal, begin in a United States District Court.

When the case is concluded in the United States District Courts, someone would have won the case and someone would have lost the case. At this point, the losing party is able to “appeal” to the next level. The next level above the District Courts is the Circuit Courts of Appeals. If the appeal is accepted the same process would repeat.

Above the District Courts is the United States[**Circuit Courts of Appeals**](https://www.uscourts.gov/about-federal-courts/court-role-and-structure/about-us-courts-appeals). At the appellate there are no trial juries to “hear” the case. Instead appellate judges listen to oral arguments that lawyers present. There are a total of 13 Circuits, with 12 of those Circuits being “Regional Circuits.” The [**Regional Circuits**](https://www.uscourts.gov/sites/default/files/u.s._federal_courts_circuit_map_1.pdf) are made up of individual states and territories that are a part of the United States.

The 12 Regional Circuits

[**D.C. Circuit**](https://www.cadc.uscourts.gov/internet/home.nsf)

[**First Circuit**](https://www.ca1.uscourts.gov/): Maine, New Hampshire, Massachusetts, Rhode Island, Puerto Rico

[**Second Circuit**](https://www.ca2.uscourts.gov/): New York, Vermont, Connecticut

[**Third Circuit**](https://www.ca3.uscourts.gov/): Pennsylvania, New Jersey, Delaware, U.S. Virgin Islands

[**Fourth Circuit**](https://www.ca4.uscourts.gov/): Maryland, West Virginia, Virginia, North Carolina, South Carolina

[**Fifth Circuit**](http://www.ca5.uscourts.gov/): Texas, Louisiana, Mississippi

[**Sixth Circuit**](https://www.ca6.uscourts.gov/): Michigan, Ohio, Kentucky, Tennessee

[**Seventh Circuit**](http://www.ca7.uscourts.gov/): Wisconsin, Illinois, Indiana

[**Eighth Circuit**](https://www.ca8.uscourts.gov/): North Dakota, Minnesota, South Dakota, Nebraska, Iowa, Missouri, Arkansas

[**Ninth Circuit**](https://www.ca9.uscourts.gov/): Washington, Montana, Oregon, Idaho, Nevada, California, Arizona, Alaska, Hawaii, Guam, Northern Mariana Islands

[**Tenth Circuit**](https://www.ca10.uscourts.gov/): Wyoming, Utah, Colorado, Kansas, New Mexico, Oklahoma

[**Eleventh Circuit**](https://www.ca11.uscourts.gov/): Alabama, Georgia, Florida

The National Circuit is: **The Thirteenth Circuit** or **The** **Federal Circuit**. The United States Court of Appeals for the Federal Circuithandles cases like “copyright” and “trademarks” and such across the entire country.

Once a Circuit Court of Appeals decision is reached by a in one specific state, that decision applies to all the states and/or territories within the circuit. For example, let's say that in the Second Circuit a case is handled in New York State and a decision is reached in New York State related to the federal law. That decision will automatically affect the two other states (Vermont and Connecticut) within the Second Circuit.

At the very top of the Federal Judicial System is the United States Supreme Court. The United States Supreme Court, sometimes referred to as the **S**upreme **C**ourt **o**f **t**he **U**nited **S**tates or **S.C.O.T.U.S.**, is the final arbiter of what is and what is not constitutional in the United States. Currently there are 9 justices (One Chief Justice and Eight Associate Justices) who sit on S.C.O.T.U.S. and decide whether a federal law or act is in keeping with the U.S. Constitution (and is therefore constitutional or unconstitutional). Any federal law or act that S.C.O.T.U.S. finds to be unconstitutional is no longer valid law. Cases usually get to S.C.O.T.U.S. when different Circuit Courts disagree on the application of federal law.

<https://www.youtube.com/watch?v=rOWV375onxs>

Judges to all federal courts are nominated by the President and confirmed by the U.S. Senate to life-time appointments. Until recently all nominated federal judges required 60 votes in the U.S. Senate to be confirmed to their seat, however in the past decade the threshold for confirmation has been lowered to a mere majority. The nomination process has become increasingly political since 2016 when the Republican-controlled Senate refused to hold hearings on President Obama’s nominee to the Supreme Court, moderate Justice Merrick Garland, because the “vacancy opened in a Presidential election year.” After President Trump took office in January 2017 Republicans ended the filibuster (the 60-vote requirement) for Supreme Court nominees and confirmed conservative Justice Neil Gorsuch to the seat they had refused to fill under President Obama. In 2020, less than two months after the death of liberal Justice Ruth Bader Ginsberg and mere days before the 2020 election, President Trump nominated, and the Republican Senate confirmed conservative Justice Amy Comey Barrett to the seat left vacant by Ginsberg’s death. Democrats decried the decision as breaking with the precedent set after Republicans refused to hold hearings for Justice Garland in 2016. All this has created a 6-3 conservative majority on the Supreme Court, which will be the deciding body on issues including abortion, workers’ rights, immigrant rights, privacy laws, criminal justice and the ability to regulate corporations in the coming years.

With many Democrats calling this court illegitimate because of the way it was installed, a variety of “fixes” have been proposed. A bill was introduced in 2020 to set term limits for Supreme Court Justices, while other Democrats have discussed expanding the number of justices on the Supreme Court from 9 to 11, 13 or even 15. What do you think?

*Assignment: After reading the above section and watching* [*Trump Lost the Popular Vote—But Not The Supreme Court*](https://www.youtube.com/watch?v=rOWV375onxs) *write a paragraph explaining what you would do to solve the legitimacy crisis at the Supreme Court.*

[**Getting a Case Heard by the Supreme Court**](https://www.youtube.com/watch?v=7sualy8OiKk)

Normally a case needs to go through the lower courts before the [Supreme Court](https://www.supremecourt.gov/) will take it on. Cases usually begin in a trial court, where the losing party can appeal to an appellate court and then again, the losing party can appeal to the U.S. Supreme Court. The Supreme Court can also refuse to hear a case, which will result in the lower appellate courts’ ruling to be the established law.

The Supreme Court generally only accepts those cases that offer the Court the opportunity to make a new legal precedent or establish consistency across all federal courts. For instance, in recent years battles over Gerrymandered maps have divided lower courts and so the Supreme Court ruled in 2019, in a 5-4 decision, to allow the practice of “political”—though not racial—Gerrymandering stating, "Partisan gerrymandering claims present political questions beyond the reach of the federal courts…" even when the maps drawn seem, “reasonably seem unjust.” ([Supreme Court Rules Partisan Gerrymandering Beyond the Reach of Federal Courts](https://www.npr.org/2019/06/27/731847977/supreme-court-rules-partisan-gerrymandering-is-beyond-the-reach-of-federal-court))

In 1925, overwhelmed by the number of cases that were reaching its doorsteps, the Court implemented “[**Certiorari**](https://www.law.cornell.edu/wex/certiorari).” The Court would now decide what cases it would hear by granting or denying a “[**Writ of Certiorari**](https://www.law.cornell.edu/wex/writ_of_certiorari).” If at least four justices agree to hear the case, the Court would “Grant Certiorari” or simple “**Grant Cert**.” If four justices do not agree to hear the case, certiorari was denied. The court would “**Deny Cert**.” The Writ of Certiorari is what the litigants must file in order to get their case before the Supreme Court. A “writ” is “an order.”

**The State Judicial System (New York State)**

Now, let’s turn our attention to the state legal system. In this context we will look at New York State in particular. What we must remember is that each state has its own laws and each state gets to determine how those laws are applied within its jurisdiction (location). States have rules, regulations, policies and procedures as to how the laws are applied within their boundaries.

Within the New York State “Unified Court System”, the lowest level trial court is referred to as the “Supreme Courts.” This may be confusing given that the most powerful federal court is the Supreme Court. In New York State, there are 62 Supreme Courts. Within each of these 62 County Supreme Courts, criminal cases and civil cases can be heard. For example, if someone is arrested by the police in Brooklyn for a crime that occurred in Brooklyn, then that criminal case will be heard in the criminal part of the Kings County Supreme Court (Brooklyn is known as Kings County). New York City has five counties, one for each borough. Staten Island (called Richmond County**)**, Brooklyn (Kings County**)**, Manhattan (New York County**)**, Queens County**,** and the Bronx County**.** If a car accident happens in Manhattan, then that “civil case” will occur in New York County.

Right above the 62 [County] “Supreme Courts,” we have the “[**Appellate Division**](https://www.nycourts.gov/courts/appellatedivisions.shtml)”.Criminal cases or civil cases that occur in New York State and are based on New York law may be appealed to the Appellate Division. The Appellate Division is organized into four **departments**, each a conglomerate of counties.

[**First Department**](https://www.nycourts.gov/courts/ad1/index.shtml): New York, Bronx Counties

[**Second Department**](https://www.nycourts.gov/courts/ad2/index.shtml): Kings, Queens, Richmond, Nassau, Suffolk, Dutchess, Orange, Putnam, Rockland, Westchester Counties

[**Third Department**](http://www.nycourts.gov/ad3/): Albany, Broome, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Fulton, Greene, Hamilton, Madison, Montgomery, Otsego, Rensselaer, St, Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington Counties

[**Fourth Department**](http://www.nycourts.gov/courts/ad4/): Allegheny, Cattaraugus, Cayuga, Chautauqua, Erie, Genesee, Herkimer, Jefferson, Lewis, Livingston, Monroe, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Seneca, Steuben, Wayne, Wyoming, Yates Counties

Lastly, above the Appellate Division (and its Four Departments) we have the highest court in New York State, which is the[**New York State** **Court of Appeals**](https://www.nycourts.gov/ctapps/index.htm). The Court of Appeals, as the highest court in New York, is the last place a case based on New York State law can be appealed.

**Summary**

Article three of the U.S. Constitution created the U.S. Supreme Court and allowed for the creation of other courts within the United States. States have modeled the structure of their court system in keeping with the federal court system. A case can be brought into a trial court as either a civil case or a criminal case. A civil case is where a citizen brings a lawsuit against another citizen. A criminal case is where a person has violated a criminal statute (law) and if found guilty may end up in jail or prison.

The U.S. Supreme Court has the power to determine whether a law is constitutional or unconstitutional based on a decision reached in an 1803 case *Marbury v. Madison.* With the increasingly conservative majority on the Supreme Court, cases decided in the coming year can, and likely will drastically alter the laws that govern the United States and the rights of U.S. citizens.

**Assignments**

1. *In a paragraph answer the following prompt: Does the above history of judicial racism in this county impact modern race relations in the United States? Why or why not?*
2. *President Joe Biden has said he will allow Qualified Immunity to continue, but attempt to “rein it in.” Through legislation, Congress and the President could get rid of this shield created by the Supreme Court that protects officers. In a page or less write a letter to President Biden, using evidence from the textbook and video* [*Qualified Immunity: Origins of a Police Liability Shield*](https://www.youtube.com/watch?v=nE9cNjCjPGM) *in explaining what you think he should do about Qualified Immunity.*
3. *After reading “The Role of the Courts” and watching* [*Trump Lost the Popular Vote—But Not The Supreme Court*](https://www.youtube.com/watch?v=rOWV375onxs) *write a paragraph explaining what you would do to solve the legitimacy crisis at the Supreme Court.*

**Key Terms**

* *Judicial Review*
* *Writ of Certiorari*
* *District Court*
* *Regional Courts*
* *Circuit Courts of Appeals*
* *Qualified Immunity*
* *S.C.O.T.U.S.*
* *Appellate Division*
* *New York State Court of Appeals*

**Glossary of Basic Criminal Terms**

**Arraignment:** After arrest, a defendant is brought before a judge and told the formal criminal charges against him/her.

**Bail:** Cash or bond posted by a defendant as a guarantee that he or she returns to court at a future date

**Defendant:** The person accused of committing a crime in a “criminal case,” or defending against the plaintiff in “civil court.”

**Felony:** An offense that is the most serious crime category. Felonies are decided into five classes: “A”, “B”, “C”, “D”, and “E.” An “A” felony is the most serious and an “E” felony is the least serious. Additional felonies are broken down “violent” and “non-violent.”

**Grand Jury:** In felony cases, New York State law gives Grand Juries the power to hear evidence presented by the prosecutors and to file charges known as indictments. The Grand Jury can also conduct independent investigations. Each Grand Jury is composed of 23 people of which 16-18 have the vote to indict the accused and charge them with a crime.

**Trial Jury** In a criminal case, the trial jury gets to decide whether the criminal defendant is “guilty” or “not guilty” after hearing all the evidence. In a civil case the trial jury decides whether they agree with either the plaintiff or the defendant.

**Indictment:** A written statement charging a party with the commission of a crime or other offense, created by the prosecutor, and voted and filed by a Grand Jury.

**No True Bill:** When a Grand Jury votes to dismiss an indictment.

**True Bill:** When the Grand Jury votes to indict in a felony case.

**Penal Law:** These are the laws that list what are crimes in New York. The penal law also describes the class of the crimes and the punishment for each crime.

**Pleas:** A guilty plea means that the defendant agrees to admit their guilt. A not guilty plea means the defendant does not admit guilt and the case continues toward trial.

**Released on Own Recognizance (ROR):** When the court determines that a defendant is likely to appear in court as required by law, the judge finds that there is no need for bail and the defendant is released without posting bail.

**Prosecutor:** A district attorney, states attorney, or federal attorney who brings and prosecutes a criminal case against a criminal defendant.

**Jail:** Place where a person is held before trial, or where a person is sentenced for less than a year after a non-felony conviction.

**Prison:** A place where the criminal defendant is sent after being found guilty of a felony by a criminal trial jury and is confined for more than a “year and a day.”

**Beyond a Reasonable Doubt:** The legal criminal standard that the prosecutor must prove in every criminal case. If this standard is not reached the criminal trial jury must find the defendant, “not guilty.”

**Glossary of Criminal Cases**

**Violation:** A non-criminal Conviction; Most get sealed after a year: sentence can be up to 15 days in jail or no jail at all; no probation or parole.

**Misdemeanor:** is a criminal conviction that never gets sealed, though it may expunged in certain, very specific, limited circumstances. **Class A Misdemeanor**, up to one year in city jail. **Class B Misdemeanor** up to 90 days in city jail”. If convicted of a misdemeanor one can also get probation (1 year on a Class B Misdemeanor, 3 years on a Class A Misdemeanor) or something else like community services, a conditional discharge. There is no parole on misdemeanors.

**Felony:** A criminal conviction, never gets sealed or expunged except in certain, very specific, limited circumstances. There are 5 levels of felonies: **A**, **B**, **C**, **D**, **E**, (“**A**“ is the highest level felony, “**E”** is the lowest felony). There are also 2 types of felonies “Violent” and “Non-Violent.”

**Glossary Legal Terms**

**Civil Case:** A non-criminal case; A case where one citizen is suing another citizen (in the United States a ‘corporation” is viewed as a citizen).

**Litigants:** The parties to a lawsuit (a court case). Usually a civil case.

**Plaintiff:** A person bringing a civil case into court. This is the person suing a defendant. The plaintiff could be a person, business, city, state, or the federal government.

**Defendant:** A person defending either a civil case or a criminal case. The defendant could be a person, business, city, state or the federal government.

**Writ:** An order, usually from a higher court.

**Writ of Certiorari:** When the United States Supreme Court decides to hear a case. The Supreme Court of the United States will decide to hear the case that it wants.

**Grant Cert:** The United States Supreme Court decides to hear a case from a lower federal court.

**Deny Cert:** The United States Supreme Court decides not to hear a case from a lower federal court. This allows the lower federal court’s decision will stand, meaning to remain the law.

**Precedent:** A previous legal decision that has been made and is considered the authority for deciding cases in the future that are similar.

**Standing:** A situation where the plaintiff has to have sufficient personal stakes in the outcome of a case in order to bring a civil case into court.

**Case or Controversy:** Some actual conflict between the parties (litigants) that is required before a civil case can be brought into court.

**Federal Question:** Some issue or problem related to the Federal Constitution or Federal Law that must occur before a case will be allowed to be brought to the United States Supreme Court.

**Diversity Jurisdiction:** Cases involving citizens of different states. It is one of the ways in which a case is brought to the United States Supreme Court.

**Collateral Estoppel:** Prevents an issue (a part of the case) that has been settled from being once again raised by a party. This is also known as “issue preclusion.”

**Res Judicata:** A matter that has been adjudicated (concluded) by a competent court. The matter may not be pursued further by the same parties.

**Judicial Review:** The power of a court (for example, the United States Supreme Court) to review a federal law, and determine whether that law is constitutional or unconstitutional. The United States Supreme Court determined that it had the power of Judicial Review in the case of Marbury v. Madison (1803).

**Resources**

Brown v. Board of Education, 347 U.S. 483 (1954)

Cheryl Corley, “[Police Settlement: How The Cost of Misconduct Impacts Cities and Taxpayers” *National Public Radio*](https://www.npr.org/2020/09/19/914170214/police-settlements-how-the-cost-of-misconduct-impacts-cities-and-taxpayers)”September 19, 2020

Dred Scott v. Sandford, 60 U.S. (19 How.) 339 (1856)

Gibbons v. Ogden, 22 U.S. (6 Wheat.) 448 (1826)

Kernell, S., Jacobson, G., Kousser, T., & Vavrek, L. (2020). The Logic of American Politics. Thousand Oaks, CA: Sage.

Marbury v. Madison, 5 U.S. (1 Cranch.) 137 (1803)

McCulloch v. Maryland, 17 U.S. (4 Wheat.) 316 (1819)

Northwestern National Life Insurance Company v. Riggs, 203 U.S. 243 (1906)

“[O.J. Simpson Appeals Civil Suit Verdict](the%20enforcement%20arm%20of%20the%20U.S.%20government,)” *ABCNews,* January 7, 2006.

Plessy v. Ferguson, 163 U.S. 537 (1896)

“[Supreme Court Rules Partisan Gerrymandering Beyond the Reach of Federal Courts](https://www.npr.org/2019/06/27/731847977/supreme-court-rules-partisan-gerrymandering-is-beyond-the-reach-of-federal-court),” *National Public Radio, July 27, 2019*

1. Other cases that would eventually reach this court early in its history would cement this tradition. Such cases included: [McCulloch v. Maryland](https://www.youtube.com/watch?v=tPdhWW6Bz-Q) (1819) where the Court ruled that, “state governments cannot tax federal property” finding a state's taxation of federal property or federal activities to be unconstitutional. Or [Gibbons v. Ogden](https://www.youtube.com/watch?v=m9UyQJUx-C8) (1824) where the Court said that under the “Commerce Clause” Congress had the power to “regulate commerce.” [↑](#footnote-ref-1)
2. In the United States, corporations are viewed as citizens. A 1906 case ([Northwestern National Life Insurance Company v. Riggs](https://supreme.justia.com/cases/federal/us/203/243/)) that reached the U.S. Supreme Court established corporate citizenship as a part of American law. [↑](#footnote-ref-2)