

## Case Brief

Con Law chp 1: Judicial power

1/18/15

### Identity of Case

Cooper v. Aaron, 388 U.S. 1 (1958)

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### Summary of Facts/Procedural History

After *Brown v. Board of Education*, Arkansas resisted integrating their schools by passing legislature requiring the state to do everything they constitutionally could to resist a ruling that they saw as unconstitutional. An AK state judge ordered the schools to begin desegregating after 9 black kids brought suit. Gov't resisted and appealed, all the way up to SCOTUS. SCOTUS affirms decision of state court.

### Statement of the Issue

Does a state gov't have the power to interpret the constitution for itself?

### Holding

A state does not have the power to interpret the federal constitution, in the interest in maintaining balance of law, supremacy of the constitution, and the system of checks and balances, emphatically no.

### Reasoning

AK asserted that it had the right to determine the constitutionality of laws passed by the supreme court for itself, and to determine whether or not they were bound by the decisions of SCOTUS, particularly since they were not a party of *Brown v. Board of Education*.

Court: if a state can interpret the constitution, it can no longer be the supreme law of the land. The Constitution gives the supreme court this power, as shown in *Marbury v. Madison*. The same reasoning from that case applies here. If a state can write its own legislature that overturns part of the constitution within its borders, how can the constitution be said to be the law of the land?

States are entitled to make decisions on laws that are not federal questions, but that is not the case here.

### Evaluation