

## Supreme Court Rulings relevant to a Free People

The Supreme Court ruled that it had the power to overturn and/or control laws of Congress with the ruling written by the great Chief Justice John Marshall, which simply said:

*"All laws repugnant to the Constitution are null and void."*

Marbury v. Madison, 1803

5 US 137

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The Supreme Court decided that a slave could not be a citizen because if he were a citizen, he would be entitled to enjoy all the rights which American citizens enjoy by reason of their citizenship, rights which the "courts would be bound to maintain and enforce," including the rights "to hold public meetings upon political affairs, and to keep and carry arms wherever they went."

Scott v. Sandford, 1857

60 US 691, 705

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"The people's right to bear arms, like the rights of assembly and petition, existed long before the Constitution, and is not "in any manner dependent upon that instrument for its existence." This ruling also upheld that all able bodied males are members of the militia (one of three such clear rulings).

U.S. v. Cruikshank, 1876

92 US 542, 553

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"All citizens capable of bearing arms constitute the reserve militia, and the states cannot prohibit the people from keeping and bearing arms so as to disable the people from performing the (militia) duty to the general government."

Presser v. Illinois, 1886

116 US 252

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Justice Brewer delivered the opinion of the Supreme Court.

... in Article I, Section 7, a provision common to many constitutions, that the executive shall have ten days (**Sundays** excepted) within which to determine whether he will approve or veto a bill. There is no dissonance in these declarations. There is a universal language pervading them all, having one meaning. They affirm and reaffirm that this is a religious nation.

These, and many other matters which might be noticed, add a volume of unofficial declarations to the mass of organic utterances that this is a Christian nation.

Holy Trinity Church v. The United States, February 1892  
143 U.S. 470 etc.

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"Individuals have a right to possess and use firearms for self-defense."  
U.S. v. Beard, 1895  
158 US 550

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In 1897 Supreme Court Justice Brown delivered the following opinion; "The law is perfectly well settled that the first ten amendments to the Constitution, commonly known as the Bill of Rights, were not intended to lay down any novel principles of government, but simply to embody certain guarantees and immunities which we had inherited from our English ancestors, and which had (existed) from time immemorial."

Robertson v. Baldwin, 1897  
165 US 275

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The Supreme Court ruled that that by implication even resident aliens have the right to possess "weapons such as pistols that may be supposed to be needed occasionally for self-defense."

Patsone v. Pennsylvania, 1914  
232 US 138

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The Supreme Court decided that a person facing a deadly attack may use lethal force in his self-defense, adding "Detached reflection cannot be demanded in the presence of an uplifted knife."

U.S. v. Brown, 1921  
256 US 335

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The Supreme Court stated that, the great and essential rights of the people are secured against legislative as well as against executive ambition. They are secured, not by laws paramount to prerogative, but by constitutions paramount to laws." (Chief Justice Hughes quoting James Madison).

Near v. Minnesota, 1931  
283 US 697, 714

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"The militia is comprised of all able bodied males ... ordinarily when called these men were expected to appear bearing arms supplied by themselves and of a kind in common (military) use at the time."

U.S. v. Miller, 1939  
307 US 174

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In a first amendment case involving freedom of the press and religion, the Supreme Court ruled "*The power to impose a license fee on a constitutional right amounts to prior restraint and the power to restrict or deny the right ... a tax laid specifically on the exercise of these freedoms would be unconstitutional.*"

Murdock v. Pennsylvania, 1943  
319 US 105

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----- Justice Frank Murphy opined:

This right (freedom of religion) extends to the communication of ideas by handbills and literature as well as by the spoken word. *“The sidewalk, no less than the cathedral or the evangelist's tent, is a proper place, under the Constitution, for the orderly worship of God.”* Such use of the streets is as necessary to the Jehovah's Witnesses, the Salvation Army and others who practice religion without benefit of conventional shelters as is the use of the streets for purposes of passage.

Prince v. Massachusetts, 321 U.S. 158 - 1944

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The Supreme Court held the *landmark* case where it stated that no foreign treaty can abrogate the U.S. Constitution; That ruling, Reid v Covert, is citation 354 U.S. 1, June 10, 1957 states,

**“The Constitution supersedes all treaties ratified by the United States Senate.”**

*“It would be manifestly contrary to the objectives of those who crafted the Constitution, as well as those who were responsible for the B.O.R. ... let alone alien to our entire constitutional history and tradition ... to construe article VI (of the constitution) as permitting the U.S. to exercise power under an international agreement without observing constitutional prohibitions.”*

*“The prohibitions of the Constitution were designed to apply to all branches of the National Government, and they cannot be nullified by The Executive or by the Executive and the Senate combined.”*

*“There is nothing new or unique about what we say here. This Court has regularly and uniformly recognized the supremacy of the Constitution over a treaty.”*

Reid v. Covert, 1957  
354 US 1

This *landmark* case also provided several other powerful statements pertaining to the U.S. Constitution.

*“The United States is entirely a creature of the Constitution. Its power and authority have no other source. It can only act in accordance with all the limitations imposed by the Constitution.”*

*“The rights & liberties which citizens of our country enjoy are not protected by custom & tradition alone; they have been jealously preserved from the encroachment of Government by express provisions of our written Constitution.”*

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*“Trial by jury in a court of law and in accordance with traditional modes of procedure after an indictment by grand jury has served and remains one of our most vital barriers to governmental arbitrariness. These elemental procedural safeguards were embedded in our Constitution to secure their inviolateness and sanctity against the passing demands of expediency or convenience.”*

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*“The concept that the Bill of Rights and other constitutional protections against arbitrary government are inoperative when they become inconvenient or when expediency dictates otherwise is a very dangerous doctrine and if allowed to flourish would destroy the benefit of a written constitution and undermine the basis of our government.”*

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Supreme Court Justice Black

*Government-directed prayer in public schools violates the Establishment Clause in the 1<sup>st</sup> amendment, even if the prayer is denominationally neutral and students may remain silent or be excused from the classroom during its recitation.*

*Government-written prayers are not to be recited in public schools.*

*Government-created programs to promote a religious belief are unconstitutional.*

*Thus non-government created programs with non-government prayers in a voluntary, informal, student led prayer meeting would be constitutional.*

*This ruling is important to Christians when we learn how to use it. Religion cannot be constitutionally used against us either.*

Engel v. Vitale; Supreme Court  
370 U.S. 421 6/25/1962,

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Strangely, the Supreme Court has ruled that a convicted felon is exempt from obeying gun registration laws, that a "proper claim of the constitutional privilege against self-incrimination provides a full defense to prosecutions either for failure to register a firearm ... or for possession of an unregistered firearm."

U.S. v. Hayes, 1968  
390 US 85

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The Supreme Court has twice ruled that a federal official who deprives a citizen of a right guaranteed by the U.S. Constitution may be held personally liable for damages.

Bivens v. Six Unknown Federal Agents  
of the Federal Bureau of Narcotics, 1971  
403 US 388  
Carlson v. Green, 1980  
446 US 14

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The Supreme Court ruled that a person enjoys a fundamental right to possess arms until his first conviction for a felony offense.

U.S. v. Lewis, 1980  
445 US 95

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"Police have no duty to protect any individual, but only a general duty to protect society, and cannot be held personally liable for failure to protect an individual."

South v. Maryland, 1855

Warren v. District of Columbia, 1981

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"The term "the people" as explicitly used in the Second Amendment and elsewhere in the Constitution and Bill of Rights is a term chosen by the Founding Fathers to mean all individuals who make up our national community."

U.S. v. Verdugo Urquidez, 1990  
No. 88-1353

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The Supreme Court has ruled that a state official who, "under color of state law," deprives a citizen of a right guaranteed by the federal Constitution may be held personally liable for damages.

Hafer v. Melo, 1991  
No. 90-681

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And so that none can be mistaken, the Supreme Court has ruled seven times in this century (plus one concurring opinion) that the first eight amendments express fundamental personal rights guaranteed by the Constitution.

Twining v. New Jersey, 1908  
211 US 78

Powell v. Alabama, 1932  
287 US 45

Grosjean v. American Press Co., 1936  
297 US 233

Gideon v. Wainwright, 1963  
372 US 335

Duncan v. Louisiana, 1968  
391 US 166

Moore v. East Cleveland, 1976  
431 US 494

Planned Parenthood v. Casey, 1992

The United States Supreme Court held that the Second Amendment to the United States Constitution protects an individual's right to possess a firearm for private use in federal enclaves. It was the first Supreme Court case in U.S. history to decide whether the Second Amendment protects an individual right to keep and bear arms for self defense alone.

On June 26, 2008, the Supreme Court affirmed the Court of Appeals for the D.C. Circuit in *Heller v. District of Columbia*. The Court of Appeals had struck down provisions of the Firearms Control Regulations Act of 1975 as unconstitutional, determined that handguns are "arms" for the purposes of the Second Amendment, found that the District of Columbia's regulations act was an unconstitutional banning, and struck down the portion of the regulations act that requires all firearms including rifles and shotguns be kept "unloaded and disassembled or bound by a trigger lock" "Prior to this decision the Firearms Control Regulation Act of 1975 also restricted residents from owning handguns except for those registered prior to 1975"

District of Columbia v Heller, 2008  
554 U.S. 570 (2008)

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