

Federal vs state law

Law



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ADAMS v. TEXAS

November 1976, Dallas County, Texas. A 28-year-old man named Randall Dale Adams ran out of gas in the middle of a highway. Luckily, a good Samaritan picked him up in a blue Mercury Comet. David Harris was the Samaritan. On the same evening, a police officer stopped the car since it was traveling with no headlights. As the officer headed towards the window, a hand from the comet pulled out a revolver shot him six times killing him on the spot. The manhunt that followed led police to led police to one Mr. David Harris who after being grilled pointed a finger Randall Adams as the trigger man (Gillers 117). Based on Harris's testimony, Randall Adams convicted for murder and sentenced to death. The conviction however, later became one of the most infamous miscarriages of justice in America.

Mr. Adams, as would later be proved, was not the killer. In fact, he was not in Harris's car when the officer was killed. He was only railroaded to prison because his shaggy appearance made him look like a criminal as compared to young David Harris. However, in 1980, the Supreme Court ruled that it was unconstitutional for Texas to require that jurors must promise that the obligatory inconvenience of a capital punishment would not meddle with their thought of verifiable matters, for example, blame or purity, amid a trial. The case was eventually thrown out and Adams released after 12 years behind bars. The unconditionality of some of the state laws were eventually put to light as seen in the case of Adams. Thus, the need to revise such laws <https://assignbuster.com/federal-vs-state-law/>

that predetermined a suspect's innocence or guilt was raised.

Van Orden v. Perry

Thomas Van Orden took Texas to the federal district court on the grounds that the Ten Commandments monument at the state capitol building an unconstitutional in that it violated the First Amendment's establishment clause (Unger 34). According to Orden, the law prohibited the government from passing laws that respected religious establishment. The district court and the Fifth Circuit Court of Appeals all ruled against Orden. Their argument was the same and stated that the monument had a secular role and was not government's endorsement of religion for keen observers.

On an appeal to the Supreme Court, it issued arguments based on historical and religious value of the monument. It stated that the monument only showed that the nation recognized the Ten Commandments' historical meaning. Thus, through the Chief Justice, the Court held that the establishment clause did not bar the existence of the monument. The court on constitutionality of the monument, further stated that even though the Commandments are religious, having such content consistent with messages akin to religious doctrine does not violate the establishment clause.

In sum, both of these cases show supremacy battles between the states and the federal government due to conflicting laws. Nonetheless, in most cases such as these, the doctrine of pre-emption rules in favor of the federal government (Lemos 84). Basically, if a federal and state law bring ambiguity, then federal law can supersede the state law. Thus, the relationship will always be strenuous.

References

Unger, Michael. " After the Supreme Word: The Impact of Van Orden v. Perry
<https://assignbuster.com/federal-vs-state-law/>

and McCreary v. ACLU on Public Opinion" Paper presented at the annual meeting of the The Midwest Political Science Association, Palmer House Hilton, Chicago, Illinois, Apr 20, 2006 . 2013-12-17 http://citation.allacademic.com/meta/p139250_index.html

http://citation.allacademic.com/meta/p139250_index.html

Gillers, Stephen. " Proving the Prejudice of Death-Qualified Juries after Adams v. Texas." U. Pitt. L. Rev. 47 (1985): 219.

Lemos, Margaret H. " State enforcement of federal law." NYUL Rev. 86 (2011): 698.