

This question requires you to compare a Supreme Court case you studied in class with one you have not studied in class. Two related video clips and a summary of the Supreme Court case you did not study in class is presented below and provides all of the information you need to know about this case to answer the prompt.

Video Clip #1: [Cooper v. Aaron](#) (2:00)

Video Clip #2: [McCulloch v. Maryland](#) (0:43)



### Cooper v. Aaron (1958)

Central High School in Little Rock, Arkansas was an all-white school until a federal district court ordered it to be desegregated at the beginning of the 1957-1958 school year. Nine African American students were enrolled at Central High School. On the first day of school, an angry crowd surrounded Central High School and threatened violence against the students, preventing the nine African American students from attending the school. Governor Orval Faubus opposed the federal court order and sent in state police to prevent the nine African American students from attending Central High School. The standoff lasted for several days until President Eisenhower mobilized the 101st Airborne to escort the nine African American students into the school. After several months, the 101st Airborne deployment in Little Rock ended, but the African American students were allowed to complete the school year at Central High School.

At the conclusion of the 1957-1958 school year, Governor Faubus went back to the federal district court arguing that the desegregation order the previous school year had created tension in the school and community and had been disruptive to all of the students' education. The federal district court ordered a stay for two and a half years, resegregating Arkansas schools. The federal court of appeals reversed the federal district court's stay and the supreme court granted certiorari.

In *Cooper v. Aaron* (1958), the Supreme Court ruled 9-0 that the right to an education of the African American students at Central High School outweighed the need for "order and peace" of others and ordered the continued integration of Little Rock schools. The court also held that the Governor and State Legislature had no ability to disobey the orders of the federal courts.

- A. Identify the constitutional clause that led to a similar holding in both *McCulloch v. Maryland* (1819) and *Cooper v. Aaron* (1958).
- B. Explain how the reasoning in *McCulloch v. Maryland* and *Cooper v. Aaron* led to a similar holding in both cases.
- C. Explain how the outcome in *Cooper v. Aaron* demonstrates how public policy regarding equality of opportunity is affected by federalism in the United States.

SCOTUS Comparison - Cooper v. Aaron - 4 points

<p>A. Identify the civil liberty that is common in both <i>McCulloch v. Maryland</i> (1819) and <i>Cooper v. Aaron</i> (1958).</p> <ul style="list-style-type: none"> <li>• <b>The constitutional clause is the supremacy clause</b></li> </ul>	<p><b>1 point</b></p>
<p>B. Explain how the reasoning in <i>McCulloch v. Maryland</i> and <i>Cooper v. Aaron</i> led to a similar holding in both cases.</p> <p><b>Acceptable responses include:</b></p> <p><b>One point</b> for describing relevant information about the reasoning in the required Supreme Court case.</p> <ul style="list-style-type: none"> <li>• In <i>McCulloch</i>, the reasoning of the court led them to hold that Maryland's tax on the Bank of the United States violated the supremacy clause of the constitution because states could not tax duly created entities of the federal government.</li> </ul> <p><b>OR</b></p> <p><b>Two points</b> for correctly explaining how the reasoning in both cases led to a similar holding.</p> <ul style="list-style-type: none"> <li>• In <i>McCulloch</i>, the reasoning of the court led them to hold that Maryland's tax on the Bank of the United States violated the supremacy clause of the constitution because states could not tax duly created entities of the federal government. In <i>Cooper v. Aaron</i>, the Governor of Arkansas and state legislature were ordered to abide by the ruling of the federal courts and continue integrating their public schools.</li> </ul>	<p><b>1 point</b></p> <p><b>OR</b></p> <p><b>2 points</b></p>
<p>C. Explain how the outcome in <i>Cooper v. Aaron</i> demonstrates how public policy regarding equality of opportunity is affected by federalism in the United States.</p> <p><b>Acceptable explanations include the following:</b></p> <ul style="list-style-type: none"> <li>• <i>Cooper v. Aaron</i> demonstrates the conflict that can exist between the states and the federal government on issues such as education.</li> <li>• <i>Cooper v. Aaron</i> is a demonstration of conflict between the reserved powers granted in the 10th amendments and the equal protection clause of the 14th amendment.</li> </ul>	<p><b>1 point</b></p>