

Website link

<http://msanderscourtcases.weebly.com>

CONTRACT

-Identify the 2 cases you will research

- ***United States vs Richard Nixon***

-***Kennedy vs Louisiana***

-Briefly explain why you chose these 2 cases (*only 1 sentence per case*)

- ***United States vs Richard Nixon***-*The proof that Nixon had abused his power as president and broke the law.*

-***Kennedy vs Louisiana***-*To choose of rather a Louisiana man ,who was charged with with aggravated against his 12 year old step daughter should be sentence to death.*

-Declare what you will make for a “repository” (*for ex. website, blog, wiki*)

Website. Both of my court information will be on the website.

-Each Case Analysis can be varied (*for ex. 1 video, 1 podcast living on a wix website*)

-*Both will be a weebly website.*

Signature: Michael S Sanders

Primary Source

<http://www.archives.gov/education/lessons/watergate-constitution/>

<http://www.archives.gov/education/lessons/ford-nixon-letter/>

http://www.oyez.org/cases/1970-1979/1974/1974_73_1766/

Secondary sources.

<http://www.infoplease.com/us/supreme-court/cases/ar41.html>

http://www.time.com/time/specials/packages/article/0,28804,2036448_2036452_2036457,00.html

Primary

<http://supreme.justia.com/cases/federal/us/554/07-343/dissent.html>
<http://www.deathpenaltyinfo.org/kennedy-v-louisiana-no-07-343#Decision>

5th Amendment

Secondary

<http://www.crimeandconsequences.com/crimblog/2011/07/time-to-re-visit-kennedy-v-lou.html>

<http://www.crimeandconsequences.com/crimblog/2011/07/time-to-re-visit-kennedy-v-lou.html>

8th Amendment

Website link

<http://www.weebly.com/weebly/main.php>

-Your understanding of the case background

In 1972, five burglars were caught breaking into the Democratic National Committee Headquarters at the Watergate Hotel. The FBI confirmed that the burglars were part of the campaign to re-elect Nixon although President Nixon and leaders of his campaign denied any connection with the men. The five men who were convicted of burglary, along with E. Howard Hunt, Jr., a former Nixon aide, and G. Gordon Liddy a lawyer from the Nixon campaign.

In 1973, a Senate select committee began an investigation for the scandal. The top members of the Nixon administration had attempted to cover-up of the break-in and other illegal actions. There they found out that Nixon had installed a taping system that can record all of his conversations with his advisors. As president of a serious incident Nixon appointed lawyer Archibald Cox as the prosecutor for the investigation but was fired him during the Saturday Night Massacre. From a public outraged Nixon was forced to hire another prosecutor Leon Jaworski. As prosecutor Jaworski was demanded to see the tapes the Nixons crew recorded. Although Nixon refused to release them to the public, a special prosecutor asked the United States Supreme Court to force Nixon to release all of the tapes for the case.

-Identification of major players involved in case

Richard Milhous Nixon-Defendant/ President
Leon Jaworski- Prosecutor
Warren Earl Burger-Chief Justice
William O. Douglas-Associate Justice member
Potter Stewart-Associate Justice member
Byron White-Associate Justice member
Thurgood Marshall-Associate Justice member
Harry Blackmun-Associate Justice member
Lewis F. Powell-Associate Justice member
William Rehnquist-Associate Justice member

-How the case relates to the U.S. Constitution

The questions that come up during this case is, does that president have higher rights and privileges than other citizens? Can the president withhold information from the government?

The amendment that is being crossed is the 5th amendment and the 6th amendment.

5th amendment - "The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate."

6th amendment- "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence."

For the United States: The President does not have executive privilege over a federal crime. The president can not deny access of evidence for a federal crime.

-Who will be most affected by outcome of the case

The United States government will be affected the most.

For the United States: The President does not have executive privilege over a federal crime. The president can not deny access of evidence for a federal crime.

For President Nixon: The constitutional scheme for the 3 branches of government grants the President the privilege to withhold any information from the other branches of government.

OUTCOME

-Summary and Analysis of BOTH sides of the case

For the United States: The President does not have executive privilege over a federal crime. The president can not deny access of evidence for a federal crime.

For President Nixon: The constitutional scheme for the 3 branches of government grants the President the privilege to withhold any information from the other branches of government.

-Outcome of the case

8-0 (United States)

The Supreme court decided that Nixon must give all of his tapes to the Supreme Court.

-Summary of Majority Decision

Chief Justice Warren Burger - "The impediment that an absolute, unqualified executive privilege would place in the way of the primary constitutional duty of the Judicial Branch to do justice in criminal prosecutions would plainly conflict with the function of the courts under Article III"

The Supreme Court unanimously decided that Nixon does not have the higher authority to keep evidence from the court. Because of the 6th amendment Nixon must show evidence to the Supreme Court if it has something to do with the cases. Because of the 5th amendment the 7 people who were charged, must have a court hearing and the Supreme Court agree that Nixon does not have a higher authority just because he is President.

-Summary of Dissenting Opinion *(unless it was a unanimous decision)*

COMMENTARY

-YOUR Commentary on the case *(what did you think of the case?- Good/Bad for America?)*

The Watergate scandal was almost like a nail in the coffin for America during the 70's. From 1956-1975 American citizens experienced countless of tragedies. So the Watergate scandal put fear into every Americans eyes. It is hard to know what is the truth. I believe the Supreme Court did everything they could to come to their decision. First of all what Nixon did is wrong. Even if he wasn't the one breaking into Watergate he is still responsible for their actions. He could of gotta away with it if he didn't deny the prosecutors access to the tapes. That really sealed his fate. Nixon should of right away given the prosecutor that he appointed the tape so it wouldn't have to go to they supreme court. The supreme court, I believe made the right decision. Nixon does not have power over the average citizen. Because the evidence supports the case, I believe lawyers need to have as much evidence as possible without anyone but the judges telling them otherwise. At the time Americans were upset because Nixon was some what a good president. But they lost their trust in Nixon. But in the long run it shows people that the president needs to follow rules to. It finally distinguish the President from a king.

-Your understanding of the case background

In 2004 Patrick O. Kennedy, a man from the suburbs of New Orleans was sentenced to death after being convicted of raping his eight-year-old stepdaughter. The brutal rape resulted in the little girl needing surgery to fix damages in her body. He denied all allegations and said that 2 neighbor boys caused the crime. Although he was sentenced to death under the Louisiana law, which states that any person with in the state of Louisiana can be sentenced to death for rape of a child under 12 years old.

After the trial Kennedy appealed the results for he believed a person sentencing to death for child rape seems too harsh and violates the 8th amendment. The Louisiana replied stating that the offense was not too harsh for the conviction. The Louisiana Supreme Court noted that even though U.S. Supreme Court did not agree with the death penalty for rape of an adult woman in Coker v. Georgia, this case was of of a child and that did not imply. The Louisiana Supreme Court felt the same as 5 other states which state that offenses to a child can cause death. Kennedy argued that the five states do not have follow the purposes of Eighth Amendment analysis, and that that Coker v. Georgia result should apply to all rapes regardless of the age of the victim. He also said the law was unfair because it the death penalty was for black rapist instead of white rapist

-Identification of major players involved in case

John G. Rogers- Chief Justice

Patrick O Kennedy- Defendant.

John P. Stevens-Assistant Justice

Antonin Scalia-Assistant Justice

-Assistant Justice-Assistant Justice

David Souter-Assistant Justice

Clarence Thomas -Assistant Justice

Ruth Bader Ginsburgh-Assistant Justice

Stephen Breyer-Assistant Justice

Samuel Alito-Assistant Justice

-How the case relates to the U.S. Constitution

The questions that come up during this case is Do states violate the Eight Amendment by imposing the death sentence for the crime of child rape?

The amendment that is being crossed is the 8th amendment.

8th amendment - " Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted."

-Who will be most affected by outcome of the case.

The people of Louisiana and the future rapist will be affected by this case.

OUTCOME

-Summary and Analysis of BOTH sides of the case

For Kennedy- Rape should not be considered as a crime that is punishable by death as it violates the 8th amendment.

For Louisiana- Although Rape of a child under the age of 12 is considered brutal enough that it could be charged with death as the punishment would be fair enough.

-Outcome of the case

5-4(Kennedy) Kennedy action did not deserved death.

-Summary of Majority Decision

Antony Kennedy-"Based both on consensus and our own independent judgment, our holding is that a death sentence for one who raped but did not kill a child, and who did not intend to assist another in killing the child, is unconstitutional under the Eighth and Fourteenth Amendments.....When the law punishes by death, it risks its own sudden descent into brutality, transgressing the constitutional commitment to decency and restraint."

Basically the supreme court majorities are saying that it is unconstitutional to have someone be sentenced to death for rape, no matter what age. He says that instead of saving kids we are hurting the kids if we follow the Louisiana rules.

-Summary of Dissenting Opinion

"The Eighth Amendment protects the right of an accused. It does not authorize this Court to strike down federal or state criminal laws on the ground that they are not in the best interests of crime victims or the broader society."

Basically the Dissents are saying that the 8th amendment does not take into effects the laws the state has agreed upon and passed.

COMMENTARY

-YOUR Commentary on the case

Rape is a something that no person should ever go through. So for the court to say that rape is not as bad as murder is beyond me. That mean basically ruined a little girls life and he's not going to die for it. Whats the point of having someone on life parole with no bail. You might as well just kill him because theres no worth leaving him in prison. He's never going to escape. Some people might say its racist because the other famous supreme court cases that were involved with rape had did not sentenced the convectors to death and they just happened to be white. It's not a race thing at all, that man deserved to die. Louisiana should of sentenced him to death. It was their law that they made. It just makes no sense how a man can just get life for ruining a little girls life.