

Ableman v. Booth, 62 U.S. (21 How.) 506 (1859)

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Facts

- The circumstances of *Ableman v. Booth* arose during the lead up to the American Civil War.
- In 1850, the US Congress strengthened the *Fugitive Slave Act* ("**the Act**") as part of the "Compromise of 1850".
- Sherman Booth, the editor of the *Wisconsin Free Democrat*, was arrested for violating the Act. This was due to allegations that he deliberately incited a mob to rescue an escaped slave, Joshua Glover, from US Marshall Ableman.
- Booth sought a writ of habeas corpus from the Wisconsin state court. This was granted.
- Ableman appealed to the Wisconsin Supreme Court, which refused to recognise the federal law and declared the Act unconstitutional. This meant that a state court was annulling a federal law.
- Ableman appealed to the US Supreme Court - interestingly, the Wisconsin Supreme Court refused to even release the Court record to the US Supreme Court.

Issues

- Can a state court issue a writ of habeas corpus to a prisoner arrested under a federal law?

Held

- The US Supreme Court unanimously overturned the Wisconsin Supreme Court's judgment.
- Chief Justice Roger B. Taney stated that the Wisconsin Supreme Court had effectively asserted the supremacy of state courts over federal courts in cases arising under the Constitution and laws of the United States.
- The "Supremacy Clause" made federal law the supreme law in the United States.
- The supremacy of federal law can be effective only if the federal government has the judicial power to enforce federal law. If state courts could interpret the Constitution and federal law, then conflicting interpretations would arise which would lead to inconsistent judicial authority and interpretation.
- Article III of the Constitution provides that the judicial power in all cases arising under the Constitution or laws of the United States rests in the federal courts, and that the Supreme Court has appellate jurisdiction in all such cases.
- Given this, the US Supreme Court held that the Constitution gives the federal courts the final authority in matters involving interpretation of the Constitution and laws of the United States.
- Because the Constitution grants this power to the federal courts, the state courts do not have the power to review or interfere with the judgments of federal courts in matters arising under the Constitution or federal laws.
- The Court accordingly held that the power of Wisconsin "*is limited and restricted by the*

Constitution of the United States." Wisconsin did not have the power to nullify the judgment of the federal court or to hold the Act unconstitutional.

Quotes

"...The Constitution and laws and treaties of the United States, and the powers granted to the Federal Government, would soon receive different interpretations in different States, and the Government of the United States would soon become one thing in one State and another thing in another. It was essential, therefore, to its very existence as a Government that it should have the power of establishing courts of justice, altogether independent of State power, to carry into effect its own laws, and that a tribunal should be established in which all cases which might arise under the Constitution and laws and treaties of the United States, whether in a State court or a court of the United States, should be finally and conclusively decided."

(Chief Justice Taney)

Full Text

The full text is available here: <https://www.law.cornell.edu/supremecourt/text/62/506>

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