

The Tucker Act Landmark Publications: Revealing the Untold Stories Behind a Judicial Milestone

The Tucker Act is a significant legislative milestone in the history of American jurisprudence. Enacted in 1887, it traces its roots back to an era of immense changes and challenges for the United States. This article dives into the depths of this historic legislation and its landmark publications, shining a light on the untold stories that shaped the legal landscape of the nation.

The Origins of the Tucker Act

Named after its sponsor, Representative John Randolph Tucker of Virginia, the Tucker Act aimed to streamline the process of settling claims against the United States government. It provided a legal avenue for individuals and entities to seek monetary compensation for damages caused by government actions, including breach of contract, property seizures, and other grievances.

Before the enactment of the Tucker Act, seeking redress against the government was a complex and often arduous process. Individuals had to navigate a maze of administrative procedures, making it difficult to hold the government accountable for its actions. The Tucker Act sought to change that, granting individuals the right to sue the government directly, bringing transparency and accessibility to the legal system.

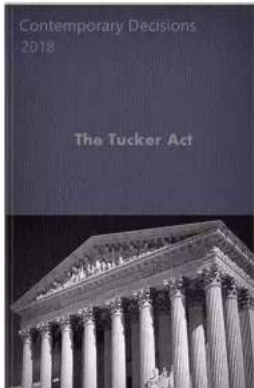
The Tucker Act

by LandMark Publications(Paperback – May 14, 2017)

★★★★☆ 4.7 out of 5

Language : English

File size : 8392 KB



Text-to-Speech	: Enabled
Screen Reader	: Supported
Enhanced typesetting	: Enabled
Word Wise	: Enabled
Print length	: 46 pages
Lending	: Enabled
Paperback	: 508 pages
Item Weight	: 1.87 pounds
Dimensions	: 6 x 1.15 x 9 inches



Landmark Publications of the Tucker Act

Over the years, several landmark publications have emerged from cases decided under the Tucker Act. These publications not only provided critical legal precedents but also shed light on the intricate workings of the government, exposing flaws in the system and advocating for justice.

1. United States v. Gilman

United States v. Gilman, decided in 1890, marked the first important pronouncement regarding the scope and application of the Tucker Act. The case involved a dispute over military land grants in Florida and Mississippi. The Supreme Court's decision set a precedent, affirming that the Tucker Act allowed individuals to sue the government for breach of contract, even when specific legislation was not in place to address the particular claim.

It was a landmark victory for claimants seeking compensation for damages arising from government actions, further establishing the Tucker Act's importance as a tool for justice.

2. Eastern Transportation Company v. United States

Eastern Transportation Company v. United States, a case decided in 1903, showcased the Tucker Act's potency as a means for challenging government actions. The case centered around the government's refusal to compensate a railroad company for damage caused during the construction of a dam along the Savannah River.

Ruling in favor of Eastern Transportation Company, the Supreme Court emphasized that the Tucker Act enabled claimants to seek relief for takings of property, even when Congress did not provide specific authorization. This groundbreaking decision highlighted the significance of the Tucker Act in ensuring the government's accountability and its obligation to justly compensate those affected by its actions.

3. Indian Towing Company v. United States

Indian Towing Company v. United States, a 1955 case, focused on the liability of the government for damages caused by its employees. The Supreme Court ruling clarified that the Tucker Act's jurisdiction extended beyond contractual claims, emphasizing that the government could be held liable for its negligent acts.

This landmark decision broadened the reach of the Tucker Act, establishing that it encompassed not only contractual disputes but also negligence claims against the government. It set an essential precedent for claimants seeking damages for a range of government actions where negligence was involved.

The Tucker Act's Enduring Legacy

As time passed, the Tucker Act continued to shape American jurisprudence and served as the backbone for countless legal battles against the government. The landmark publications arising from cases decided under the act continue to

influence legal principles, ensuring government accountability and protecting the rights of individuals and entities.

The Tucker Act's impact remains particularly relevant in modern times, where it continues to provide a legal avenue for individuals and entities seeking just compensation for damages caused by government actions. Its key provisions have been upheld throughout history, withstanding the test of time and maintaining their importance in the legal landscape.

The Tucker Act and its landmark publications stand as monumental achievements in the history of American jurisprudence. They represent a commitment to justice and accountability, giving individuals the power to hold the government accountable for its actions. Through cases like *United States v. Gilman*, *Eastern Transportation Company v. United States*, and *Indian Towing Company v. United States*, the Tucker Act has left an indelible mark on the legal system, ensuring a fair and accessible means of seeking redress against the United States government.

As we delve deeper into the history of the Tucker Act and explore its landmark publications, we gain a profound understanding of the struggles faced by individuals seeking justice and the lasting impact of this pivotal legislation. It is a testament to the power of the law in shaping a more equitable society and advocating for the rights of every citizen.

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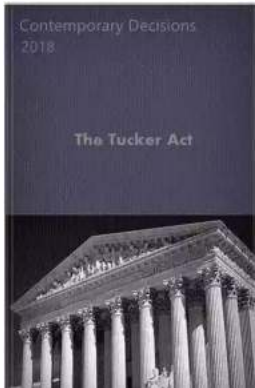
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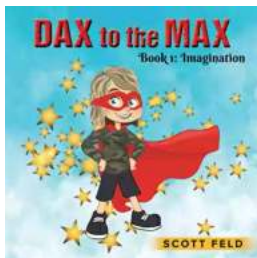
THIS CASEBOOK contains a selection of U. S. Court of Appeals decisions that analyze, discuss and interpret provisions of the Tucker Act. The selection of decisions spans from 2013 to the date of publication. "[T]he United States, as sovereign, 'is immune from suit save as it consents to be sued ... and the terms of its consent to be sued in any court define that court's jurisdiction to entertain the suit.'" *United States v. Testan*, 424 U.S. 392, 399, 96 S.Ct. 948, 47 L.Ed.2d 114 (1976) (quoting *United States v. Sherwood*, 312 U.S. 584, 586, 61 S.Ct. 767, 85 L.Ed. 1058 (1941)). Consistent with this principle, the Tucker Act confers limited jurisdiction on the Claims Court to adjudicate claims against the United States. *Brown v. United States*, 105 F.3d 621, 623 (Fed.Cir.1997). *Hymas v. US*, 810 F.3d 1312 (Fed. Cir. 2016). To bring a claim against the United States, a plaintiff must identify an unequivocal waiver of sovereign immunity. *FAA v. Cooper*, ___ U.S. ___, 132 S.Ct. 1441, 1448, 182 L.Ed.2d 497 (2012). Courts are required to read waivers of sovereign immunity narrowly and construe any ambiguities in the statutory language in favor of immunity. *Id.* But "[e]ven when suits are authorized[,] they must be brought only in designated courts." *United States v. Shaw*, 309 U.S. 495, 501, 60 S.Ct. 659, 84 L.Ed. 888 (1940). This is because "it rests with Congress to determine not only whether the United States may be sued, but in what courts the suit may be brought." *Minnesota v. United States*,

305 U.S. 382, 388, 59 S.Ct. 292, 83 L.Ed. 235 (1939). Franklin-Mason v. Mabus, 742 F. 3d 1051 (DC Cir. 2014).



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