Chapter 14 - Supreme Court of The United States



**The Function of the Supreme Court**

**Lesson 1 Selecting Cases at the Supreme Court**

The Court’s \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ function is to resolve disputes that arise over the meaning of federal law and the US Constitution. The Courts tries to make sure that federal law is \_\_\_\_\_\_\_\_\_ and means the same thing everywhere in the country.

One of the Supreme Court’s most important powers is \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_. Which is the power the Court has to examine the laws and actions of local, state and national governments and to overturn them if they violate the Constitution. This power is not specifically mentioned in the Constitution. The Supreme Court first exercised this power in 1803, in the case of \_\_\_\_\_\_\_\_\_\_\_\_ vs.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, when the justices unanimously ruled a federal law unconstitutional. Almost 10,000 cases are appealed to the Supreme Court every year. The justices only decide about \_\_\_ cases each term.

**Choosing Cases**

The Supreme Court decides which cases it will hear and rule on.

**Jurisdiction**

The Supreme Court has both original and appellate jurisdiction. Article III, Section 2, of the Constitution sets the Court’s original jurisdiction. Addressing two types of cases:

1. Cases involving representatives of foreign governments and
2. Certain cases in which a state is a party

The Supreme Court’s original jurisdiction cases form a very small part of it’s workload – an average of less than \_\_\_ case per year. Most of the cases the Court decides fall under the Court’s \_\_\_\_\_\_\_\_\_\_\_ jurisdiction. Under this jurisdiction, the Court hears cases appealed from lower courts of appeal, or it may hear cases from federal district courts where an act of Congress was held \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

The Supreme Court can also hear cases appealed from the highest court of a \_\_\_\_\_\_\_ of claims under federal law or the Constitution are involved.



**Petitions for Certiorari**

The party that appeals to the Supreme Court is generally the party who lost in a lower court – either in a federal circuit \_\_\_\_\_\_\_of \_\_\_\_\_\_\_\_\_\_ of a state supreme court. To appeal, the losing party sends the Court a petition for a \_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_. The Supreme Court is asked to hear the case and given reasons for doing so.

**Solicitor General –** the government official most often responsible for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ the federal government in court.

**Selecting Cases to Hear**

It would be impossible for the justices to carefully review all these petitions on their own and do all their other work. So the justices’ \_\_\_\_\_\_ \_\_\_\_\_\_\_\_ - each justice usually has four – assume a major role in reviewing the petitions. The law clerks’ summaries of the cases give the justices a recommendation as to whether or not each petition should be granted. The justices meet to decide which cases they will hear. If 4 of the 9 justices agree to hear a case, then the \_\_\_\_\_\_\_\_\_\_ for \_\_\_\_\_\_\_\_\_\_\_\_\_ is granted. This is called the “rule of four.”

**Lesson 2 Deciding Cases**

**Arguing and Deciding Cases**

The 9 justices:

1. Read written arguments from parties and notes from their clerks
2. Participate in one hour of oral argument for each case

Each side submits a written \_\_\_\_\_\_, explaining how they want to Court to decide their case and the best arguments in support of that decision. An important part of their legal grief involves pointing out similar cases the Court has already decided and noting how the decisions in those cases (\_\_\_\_\_\_\_\_\_\_\_\_\_) support their argument.

Interest groups may also submit \_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_ briefs, explaining why the case is important to their members and how they want it decided. Amicus curiae means “\_\_\_\_\_\_­­­\_\_\_ of the \_\_\_\_\_\_\_\_\_\_.”



**Oral Argument**

Each side has 30 minutes to present its case to the justices. In cases where the federal government is a party, a lawyer from the solicitor general’s office will usually present the oral argument for the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_.

**Deciding the Case**

Once the oral argument is completed, the justices meet in conference to discuss their ideas about the case. At the conference, the justices take a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ vote to either uphold or reverse the lower court decision. If the justices all agree on the outcome and the reasons, they issue a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_. If they disagree on the case, they issue a \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_ and a \_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_.

**Enforcing Decisions**

In the 1960s, many state court judges and state officials sought ways to avoid enforcing the Court’s rulings on \_\_\_\_\_\_\_\_\_\_\_\_\_\_ schools.

**Influences on the Court**

**Public Opinion**

Supreme Court justices are not elected, the Court is fairly well insulated from public opinion and daily political pressures. They are aware that they rely on the cooperation and goodwill of others to enforce its decisions. They know that when the Court moves too far ahead of lags too far behind \_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_, it risks losing support and diminishing its own authority.

**Values of Society**

The values and beliefs of society influence Supreme Court justices. As society changes, attitudes and practices that were acceptable in one era may become unacceptable in another. In 1896, in \_\_\_\_\_\_\_\_\_\_\_ vs. \_\_\_\_\_\_\_\_\_\_\_\_\_\_, the Court ruled that it was legal for Louisiana to require “\_\_\_\_\_\_\_\_\_ but \_\_\_\_\_\_\_\_\_\_\_\_\_” treatment in a public accommodation (a railway car).



**Lesson 3 Selecting Supreme Court Justices**

What affects the selection process for Supreme Court justices?

1. Understanding the law
2. Good education
3. Ability to listen carefully
4. Problem solving skills
5. Ability to write and speak clearly
6. Understanding of U.S. history
7. Success in overcoming personal challenges
8. A sense of fairness
9. Ability to compromise
10. Honesty

**The Nomination and Confirmation Process**

Since Supreme Court justices are appointed for life and are not accountable to anyone but the law, there is much debate and discussion about who should be appointed to the Court. Interest groups also advocate for candidates of their choice. Interest groups will lobby the White House and members of the Senate Judiciary Committee to try to get appointees who might agree with their positions. Once the president has chosen a candidate, he or she will be introduced to the public and announced as the nominee. The nominee begins working to get confirmed by the \_\_\_\_\_\_\_\_\_. At the Senate Confirmation Hearing, senators ask the nominee questions about his or her qualifications and experiences for the job. They want to ensure that the nominee is qualified in a personal and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ sense.

The processes for nominating and confirming \_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_ are the same as those for other federal judges.

**Constitutional Requirements**

1. The person must be nominated by the president and
2. Receive the consent of the Senate

**Confirmation by the Senate**



Today, we expect a Supreme Court nomination to be a major political and media event. Now, confirmations are neither fast nor easy and are usually \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**The Process and Politics**

As soon as a sitting justice announces his or her retirement, or if a justice dies, both the White House and the Senate Judiciary Committee begin working on the nomination process. Presidents get a tremendous amount of advice from staff and advocacy groups and often interview a short list of candidates before announcing the \_\_\_\_\_\_\_\_\_\_\_\_\_. Interest groups will lobby the White House and members of the Senate Judiciary Committee to try to get appointees who might agree with their positions.

**Merit and Ideology**

One way the \_\_\_\_\_\_\_\_\_\_\_ can have an impact well beyond the term of the presidency is by placing someone on the Court who shares the president’s\_\_\_\_\_\_\_\_\_\_\_\_ perspective. Some presidents nominate judges with long public records of deciding cases that they can look to: others, by contrast nominate candidates with little of no \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_ to investigate.

**Representativeness**

The justices on the Supreme Court as of 2014 had remarkably similar law backgrounds. All attended either Harvard or Yale law schools and spent most of their professional lives wither as law school professors or involved in \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_ (as lawyers or judges).



**Lesson 4 Constitutional Interpretation**

**Interpreting the Constitution**

Some advocate \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_ others argue for \_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_.

**Judicial Restraint and Judicial Activism**

Those who support judicial restraint believe that the Court should \_\_\_\_\_\_\_\_\_ overturning laws passed by democratically elected bodies, like Congress or state legislatures.

Those who support \_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_ believe the opposite: that the Court must step in when Americans’ rights are violated. This means the Court would actively help settle the difficult social

and political questions of the day. Under Earl Warren, chief justice from 1953-1969, for example, the Court overturned many laws limiting the civil rights of minorities.

Judicial activism can also serve conservative goals. In the 1930s, for example, conservative justices often took \_\_\_\_\_\_\_\_\_\_\_\_\_\_ positions against New Deal programs intended to regulate the economy. Historically, liberals have been more likely to support judicial activism, and conservatives have been more likely to support judicial \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**Influences on Decision Making**

Two major influences on the decisions justices make are \_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_ philosophy.

**Precedent and Stare Decisis**

Stare decisis (“let the decision stand”) once the court rules on a case, its decision serves as precedent, or model, on which to base other decisions in cases that raise the same legal issue. This decision is important because it makes the law \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

On occasion, a justice may also \_\_\_\_\_\_\_\_\_\_\_\_\_ for not adhering to precedent when he or she believes the original precedent was wrongly decided.

**Judicial Philosophy**

Supreme Court justices explain their decisions in terms of law and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ believe that the best way to figure out what the Constitution means today is to look at the original understanding of the people who ratified the Constitution or its amendments. For example, originalists would assert that whatever “cruel and unusual punishment” meant when the 8th Amendment was adopted in 1791 is what it means today. If there is a need to change the meaning of the Constitution, then originalists believe that change should come through the democratic process – by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ the document.

A different approach is what might be called the “\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_” Constitution or what one justice has called the “active liberty” philosophy. Supporters of this philosophy believe that the meaning of the Constitution must \_\_\_\_\_\_\_\_\_\_\_\_\_ because it is a living document. Critics of the living constitution say that it is an invitation for judges to \_\_\_\_\_\_\_\_\_\_\_\_\_\_ up the law.

**Checks and Balances the Supreme Court**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_ those appointments. If the people do not like a Supreme Court ruling about the Constitution, however, they must go through the more difficult process of \_\_\_\_\_\_\_\_\_\_\_\_\_\_ the Constitution. In an 1895 case, the Court ruled that a tax on incomes was \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

The \_\_\_\_\_\_\_\_\_\_ amendment, ratified in 1913, allowed Congress to levy an income tax.



