III. The US Supreme Court

A. The Power of the Supreme Court

1. original jurisdiction: authority to hear a case first

a. preside over trials in cases that involve diplomats

from foreign countries

b. preside over trials where states sue each other

(usually the S.C. allows a district to hear this)

2. appellate jurisdiction in all other cases – of over 6,000

appealed usually around 150 heard

a. pose significant legal or constitutional questions

b. of great public interest or concern

3. both the Executive and Legislative branches must follow

court rulings

4. court is removed from politics to allow fair hearings

B. Judicial Review: court may review any federal or state law to

see if is in compliance with the Constitution

1. one of the most important powers of the Supreme Court

2. if a law is in conflict it will be found unconstitutional

and be nullified

3. the Supreme Court is the final authority on the

Constitution

C. Marbury v. Madison

1. established judicial review in 1803

2. Pres. John Adams made some midnight appointments;

when Pres. Thomas Jefferson took office, he refused to carry out Adam’s appointments; Marbury, who was appointed a justice of the peace, took Sec. James Madison to the Supreme Court for not carrying out Pres. Adams appointments. (invoking the Judiciary Act of 1789).

3. Chief Justice John Marshall wrote the majority opinion

turning down Marbury’s claim & the 3 basic

principles of judicial review were created:

a. the Constitution is the supreme law of the land

b. when there is a conflict between the Constitution

and any other law, the Constitution MUST be followed (i.e. the Constitution WINS)

c. the judicial branch must uphold the –cancel /void

Constitution [it always wins]

4. the power of judicial review has become an important

check on other branches

D. Checking the Courts Power

1. Congress can change laws so they are no longer in

conflict

2. Congress can create a new amendment

3. the President should enforce the Courts decision

4. Worcester v. Georgia: President A. Jackson didn’t

enforce J. Marshall’s decision

E. Controversy and the Court

1. the Court has made people very MAD ( they may even

ask Congress to change a law to fix the problem – ABORTION)

2. 1857 – Dred Scott v. Sandford: ruling – the

Constitution did not prohibit slavery in the territories {Af. Am. were not citizens and therefore could not sue in the federal courts}

3. Amendment 14 changed that !!!!

F. Supreme Court Justices

1. there are 8 associate justices and 1 chief justice

2. most have been white men

3. Thurgood Marshall(67) & Clarence Thomas(91) were

the first blacks

4. Sandra Day O’Connor(81) & Ruth Bader Ginsberg(93)

were the first women

5. not set formal qualifications

6. informal qualifications

a. all have been lawyers

b. most have been judges

c. many have been public officials

d. W.H. Taft was the only chief justice to have been

Pres. first

7. appointment by Pres. and approval by Senate

8. the Pres. tries to appoint judges who share the same

ideology BUT once appointed they have no obligation to follow the Pres. line