

Common Questions regarding the Constitution & the U.S. Supreme Court

What is the Jurisdiction (area of authority/power) of the U. S. Supreme Court?

- The Supreme Court cannot review all laws passed by Congress, they can only review laws that come before it in the case of legal dispute
- In the U.S. Constitution, the Federal or Supreme Court hears cases that are about the following issues:
 - Laws and Treaties written by the federal government
 - Disputes between 2 or more state governments
 - Disputes in which the United States is being sued or is suing
 - Disputes involving ambassadors and other foreign officials
 - Maritime Laws
 - Disputes between citizens of different states
 - Disputes between U.S. citizens or states and foreign nations
 - Disputes involving the meaning of the Constitution

How is a case selected to come before the Supreme Court?

- RULE OF FOUR - 4 justices feel that a case is important to hear.
- After the case is chosen
 - Lawyers are asked to submit briefs
 - Lawyers are asked to make oral arguments before the court

What happens after a decision is made?

- After the court has reached a decision, several justices write “opinions” (reasons for the decision)
 - **Majority** – one of the S.C. Justices in favor of the decision is assigned the task of writing the official court opinion on the case. This is the explanation of why the court decided the way it did
 - **Concurring** – this type of opinion is written by another S. C. Justice who supports the decision
 - **Dissenting** – this opinion is written by one of the Justices who voted against the majority, they are invited to express why they did not agree with or objected to the majority decision

Is the Supreme Court ever the first court to hear a case?

- **Nearly** all cases are brought the Supreme Court through Appellate Courts (a court designated for appeals) by appealing the decisions of other “lower” courts (see chart from class)
- The **ONLY** cases where the US Supreme Court has original jurisdiction are when the cases involve Ambassadors, public ministers and consuls, and States.

Did the US Constitution set up the organization of the court system?

- No. it only established the Supreme Court but stipulated that Congress should have the power to establish other lower federal courts (Article I Section 8, Clause 9)
- These courts – Lower, District Court, & Trial Courts assist the Supreme Court
- Judiciary Act of 1789 – Congress filled in the blanks and created circuit courts and district courts

Since one of the main functions of the Judicial Branch is to interpret laws - Is there only one way to interpret the Constitution?

- No – the elastic clause (Article 1, Section 8) provides for this as not all parts of the constitution are clear.
 - Literal meaning of the words in the Constitution (strict constitutionalist)
 - Using the intentions of those who wrote the constitution
 - Evaluating the basic principles and values in the perspective of history
 - Using contemporary social values in terms of today's policy needs

How many Supreme Court Justices are there? Can that number ever change?

- Nine
 - the number of Justices can be changed by Congress since it has the power to establish new federal court positions, but has not been changed in over a century
 - each justice is appointed by the President and approved by Congress

What is Judicial Review?

- an implied power, which gives the courts the right to decide whether laws or actions taken by the other two branches are constitutional or unconstitutional. Without this power, the Judicial Branch would be unable to adequately “check” the other two branches.

Can the Supreme Court declare any law it wants constitutional or unconstitutional (something in violation of our rights protected in the constitution)?

No, the court cannot look at any law UNLESS a court case is brought forward that puts the law into question.