Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

IN RE RATIFICATION OF THE PROPOSED RIDGEWAY COURTS AMENDMENT

PROPOSAL OF CONSTITUTIONAL AMENDMENT BY CONGRESS

No. 09–MO14. Decided July 21, 2020

Multiple weeks ago, Congress approved legislation to admit Ridgeway County to the United States along with a County Charter which authorized the creation of the Ridgeway County Court that would have jurisdiction to hear all criminal cases arising under the laws of the County of Ridgeway. Amid concerns raised by some about the constitutionality of the Ridgeway County Court, Congress proposed a constitutional amendment for ratification by this Court, the Ridgeway Courts Amendment, which would expressly authorize the County Court.

Held: The proposed ratification of the Ridgeway Courts Amendment is denied.

RCA, ratification denied.

CHIEF JUSTICE HOLMES, joined by JUSTICE BORK, JUSTICE PITNEY, JUSTICE HARLAN, JUSTICE THOMPSON, JUSTICE KAGAN, and JUSTICE BUTLER, concluded in a binding opinion that the amendment was unnecessary because the Ridgeway County Court was already constitutional exactly as structured by the County Charter. Pp. 1–18.

1. The argument that the County Court's existence violates the Constitution's prohibition on Municipal courts is erroneous because the County was admitted as something legally resembling a U. S. Territory, not a Municipality. As such, the County is outside the reach of the prohibition on Municipal courts. Pp. 1–9.

2. The claim that the County Court's jurisdiction over criminal prosecutions under the laws of the County violates the Venue Clause is meritless because the Clause permits but does not mandate that all non-federal prosecutions take place within the Federal District Court. Pp. 9–12.

3. The objections to the County Court's appointment process under

the Appointments Clause, stemming from the fact that its judges are not appointed by the President with the advice and consent of the Senate, is rejected. The Appointments Clause does not apply to territorial officials (or, therefore, Ridgeway officials) who exercise primarily local authority. Pp. 12–18.

HOLMES, C. J., filed a concurring opinion, in which BORK, PITNEY, HARLAN, THOMPSON, KAGAN, and BUTLER, JJ., joined. STEWART, J., dissented from the judgment. REHNQUIST, J., took no part in the consideration or decision of this matter.

SUPREME COURT OF THE UNITED STATES

No. 09–MO14

IN RE RATIFICATION OF THE PROPOSED RIDGEWAY COURTS AMENDMENT

ON PROPOSAL OF CONSTITUTIONAL AMENDMENT BY CONGRESS

[July 21, 2020]

The proposed ratification of the Ridgeway Courts Amendment as part of the Constitution is denied.

CHIEF JUSTICE HOLMES, with whom JUSTICE BORK, JUSTICE PITNEY, JUSTICE HARLAN, JUSTICE THOMPSON, JUSTICE KAGAN, and JUSTICE BUTLER join, concurring in denial of ratification.

We are not policymakers. When reviewing proposed amendments to the Constitution, our role is only to ensure that the Supreme Law's "basic structure" is not unnecessarily or unduly altered. 2019 PRN 5edae808f49a154-d5cdef435, ¶1 (BORK, J.). We deny the proposed amendment here because it is plainly unnecessary. The Ridgeway County Charter, approved by Congress at the time of the County's legal admission to the United States, already authorizes a County Court to try all violations of the County's criminal laws. In light of the fact that the County is not a Municipality, but something more akin in legal status to a territory, this arrangement is valid under the Constitution as it presently stands. An amendment merely reiterating—and perhaps unwittingly undermining—this fact strikes us as entirely unnecessary and unworthy of our ratification.

I

A

We begin by briefly outlining the provisions of the

proposed constitutional amendment at issue in this proceeding. Under the amendment, "[t]he County of Ridgeway may establish" its own "[c]ourts" and may also "set their jurisdiction and authorities" subject to the limits of the "[c]onstitutional authority of the County." RCA §1. The amendment further provides that "[t]he trial of all crimes originating from the laws of the County of Ridgeway" must take place in "the Courts of the County of Ridgeway." RCA §2.

Together, these provisions accomplish a few noteworthy things. First, they expressly authorize the creation of courts by an entity other than the Federal Government: namely, the Ridgeway County government. Second, they authorize the County government to determine the scope and jurisdiction of each of its courts. And third, they mandate that the trial of all County-level offenses occur within the Ridgeway courts. The first and second changes come in response to a provision of the Constitution which specifies that "[n]o court shall be established by a Municipality." Art. III, §2, cl. 1. The amendment's drafters envisioned that the Ridgeway County court system could face obstacles as a result of that constitutional provision and sought to avoid them by expressly authorizing the creation and definition of County-level courts by the County government. The amendment's language also limits the power of the County courts to those subjects within the "[c]onstitutional authority of the County." RCA §1. As we will discuss further in this opinion, that caveat, if ratified, could have created potentially broad unintended consequences. Finally, the amendment requires that the trial of all County-level crimes take place within the County courts. This provision was designed to work around the current Constitution's mandate that "[t]he Trial of all Crimes . . . shall be held in a federal district Court." Art. III, §2, cl. 3. By specifically articulating that the trial of County-level offenses would be within the jurisdiction of Ridgeway courts, the amend-

ment's drafters anticipated that any constitutional questions which might otherwise arise from the Venue Clause would be preempted.

The core purpose of this proposed amendment is to reduce the constitutional uncertainty surrounding the planned Ridgeway County court system. But two points are worth making. First, we do not amend the Constitution solely to clear up uncertainty. Constitutional amendments are supposed to work some substantive change and, in general, the courts which down the road will be tasked with interpreting them will presume that they were intended to do so. There is a "basic presumption that the legislature does not waste words." *British* v. *Ozzymen*, 3 U. S. 60, 66 (2017). If a constitutional amendment were to be adopted without any substantive change in mind, the risk of an unintended consequence would be immense. See *Bostock* v. *Clayton County*, 590 U. S. ___, ___ (2020) (slip op., at 2) (explaining that while "small gestures" can "[s]ometimes . . . have unexpected consequences," "[m]ajor initiatives practically guarantee them."). Second, a redundant clarification would be purposeless. Constitutional uncertainty is not the same as constitutional invalidity. The existence of constitutional questions surrounding the Ridgeway County court system does not doom it to the scrap heap. Before considering the propriety of this amendment, we must first consider the legal landscape as it stands now. In particular, we must evaluate whether the system established by the Ridgeway County Charter comports with the Constitution.

B

Before delving into that constitutional question, a brief outline of the particulars of Ridgeway's admission to the United States and the structure of its planned court system is necessary. Both factors strongly suggest that Ridgeway was not intended to be a Municipality, but something more closely resembling a U. S. Territory and that its court

system was designed to exercise purely local authority and fit within the structure of our existing judicial system. These details are crucial.

1

First, the County of Ridgeway was admitted to the United States, but not as a Municipality. While "admi[ssion] to the United States" might connote Municipal status, we think Congress's painstaking avoidance of the phrase "Municipality" is strong evidence that it did not understand Ridgeway to be a Municipality. One may search both the Ridgeway Admittance legislation, see Pub. L. No. 80–11, and the Ridgeway County Charter until they are blue in the face, but they would find no mention of Municipal status anywhere in either (believe us, we checked). This stands in stark contrast with how Congress has in every other case municipalized a subdivision.

In all past examples, namely the District of Columbia and the City of Las Vegas, Congress has expressly used the word "Municipality" to confer Municipal status. The Constitution, of course, does not mandate the usage of particular "magic words" in the process of municipalization, but that is not what we are here requiring. Our observation is merely this: "History shows that Congress knows how to [grant Municipal status] when it can muster the will." *McGirt* v. *Oklahoma*, 591 U. S. ___, ___ (2020) (slip op., at 8). If Congress has gone to such great lengths to *avoid* using the phrase "Municipality"—the phrase which, in every other case, has been the way Congress has granted Municipal status—we should not lightly infer that municipalization was Congress's objective. In our view, this palpable drafting choice rules out the possibility of Municipal status for Ridgeway. But for those who remain doubtful, at least some degree of ambiguity must be conceded. It is untenable to argue that the County's admitting legislation *unambigu-*

ously admitted Ridgeway as a Municipality. This ambiguity resolves the issue. When taking an action as significant and irrevocable as municipalization, Congress must "clearly express its intent to do so." *Ibid*. Because Congress did not *clearly* municipalize the County of Ridgeway, it simply did not municipalize the County of Ridgeway.

So where does that inescapable conclusion leave Ridgeway County? What is its legal status? While that question is certainly more difficult, in our judgment, the County's "admission to the United States" combined with the non-Municipal context of that admission indicates that Ridgeway County was given a legal status similar to that of a U. S. Territory like Puerto Rico or Guam. While absolutely an official body of the United States, entitled to certain aspects of inviolable sovereignty similar to those of a Municipality, see *Financial Oversight and Management Bd. for Puerto Rico* v. *Aurelius Investment, LLC*, 590 U. S. ___, ___ (2020) (Sotomayor, J., concurring in judgment) (slip op., at 14) ("The granting of neither [municipalhood] nor independence may be revoked, nor may land grants or *other 'vested interests'* be called back by a subsequent Congress"; emphasis added), Ridgeway is no Municipality. This conclusion exempts Ridgeway from some of the limits which exist on Municipal power but also withholds some of the special legal rights Municipalities may possess.

2

Second, the planned Ridgeway County Court was designed to exercise purely local authority and fit within the structure of our existing judicial system. According to the County Charter, the jurisdiction of the County Court is limited to deciding "cases arising under the Charter or ordinances of the County of Ridgeway." RCC §4.07. As such, the County Court adjudicates only local matters, such as criminal cases which arise from violations of local laws. In exercising this authority, the Charter binds the County

Court to abide by the "Constitution" and compels its judges to swear an oath "of support for the Constitution of the United States." *Id.*, at §§4.02, 4.04. Both of these requirements are respectful of our federal structure.

The County Court, as contemplated by the Charter, also fits within the existing structure of our judicial system. To begin with, the Charter requires that all appeals of County Court decisions go to federal courts, beginning with the "Federal District Court, and then onto the Supreme Court of the United States." *Id.*, at §4.12. Expressly authorizing appeals and making a good faith effort to keep the federal courts involved in the process does not strike us as an attempt to undermine the judicial structure. Moreover, the County Admittance legislation directly affirms that the "Supreme Court may hear appeals from the final decisions of the judiciary of the County of Ridgeway." RCA §5. These two considerations underscore the good faith effort by Congress and Ridgeway proponents to comply with the Constitution's government structure. We cannot discount this in our analysis of the underlying constitutional question.

II

We now confront the question whether the Constitution as it currently stands authorizes the Ridgeway court system as contemplated by the Ridgeway County Charter. If it does, ratifying this amendment would be on its face unnecessary. In addressing the constitutionality of this arrangement, we must address the three objections commonly raised to the Ridgeway court system. First, some argue that the County Court's establishment violates the Constitution's prohibition on Municipal courts. Second, some protest that the assignment of jurisdiction to the County Court to try County-level crimes violates the Venue Clause's mandate that "[t]he Trial of all Crimes . . . shall be held in a federal district Court." Art. III, §2, cl. 3. Third, some object to the process of appointment for county judges. Those

objectors believe the Constitution requires that the appointment of all judges be by the President with the Senate's approval. The County Charter, by contrast, provides for the appointment of Ridgeway judges through a process involving the County Executive and County Board. Accordingly, the objectors contend that the appointment process is unconstitutional. None of these arguments is persuasive and we reject each.

A

The first argument is the easiest of the lot to dispense with. The contention that the Ridgeway County Court violates the Constitution's prohibition on Municipal courts suffers from a basic problem as a matter of language: the County of Ridgeway is not a Municipality. That alone is sufficient, in our judgment, to reject this argument. But some might not be so easily persuaded. Certainly, some may suggest that our treatment of the No-Municipal-Courts Clause with respect to Ridgeway is not sufficiently attentive to the purposes the Clause was meant to accomplish. After all, perhaps the object of the Clause was to establish a unitary judiciary, with all cases channeled through a federal system. There are three problems with this argument.

First, extratextual sources are usually only helpful as an aide for clearing up ambiguity. Whenever "the express terms of a statute [or the Constitution] give us one answer and extratextual considerations suggest another, [it is] no contest." *Bostock*, 590 U. S., at ___ (slip op., at 2). It is "[o]nly the written word" that is actually "the law" and "all persons are entitled to" rely on that. *Ibid.* Any argument which attempts to supplant the clear text of the Constitution with other considerations no reasonable ordinary reader would have any knowledge about must be understood as empty rhetoric. The Constitution's text is especially clear here: trying to read "Municipality" to include something which is demonstrably *not* a Municipality, see

supra, at 4–5, is an exercise in absurdity. No reasonable reader could do it.

This argument casts aside any concern with textual fidelity and rests on two planks: purpose and legislative history. As mentioned, the argument's proponents suggest that the prohibition on Municipal courts was meant to do more than just prohibit Municipal courts. In support, they cite legislative history about how the No-Municipal-Courts Clause came to be. But there are two problems. One: legislative history is a disfavored resource in this Court. More often than not, it fails to actually shed much context on what a law was designed to do. After all, statements in a legislative record by particular Representatives or Senators do not necessarily represent the views of their entire chamber or of Congress writ large, nor do they go through the process of bicameralism and presentment. For that reason, they represent a "particularly dangerous" basis on which to interpret a provision of law, and we see no reason to think differently in the context of constitutional interpretation. *Pension Benefit Guaranty Corporation* v. *LTV Corp.*, 496 U. S. 633, 650 (1990). Two: "Legislative history, [even] for those who take it into account, is meant to clear up ambiguity, not create it." *Milner* v. *Department of Navy*, 562 U. S. 562, 574 (2011). Where there is no ambiguity in the pertinent text, an injection of legislative history cannot be the grounds for further examination.

Second, even to the extent purposes matter in evaluating the meaning of unambiguous text, the purposes animating the No-Municipal-Courts Clause do not cut strongly any one which way. There are obvious reasons to think the Clause's drafters may have wanted to prohibit Municipal courts but would have countenanced something like the Ridgeway County Court. One: the Ridgeway County Court is more closely integrated with the federal court system than a Municipal court would be. To begin with, it is presumably sub-

ject to the Constitution's amendments XVII and XXI (pertaining to expulsion and court-riding). Two: the County Court is more accountable to Congress than a Municipal court would be since Ridgeway has a legal status similar to that of a U. S. Territory. But see *supra*, at 5 (explaining that Ridgeway is still "entitled to certain aspects of inviolable sovereignty similar to those of a Municipality"). And three: although the overarching purpose of the Clause *might* be (and we have provided sufficient reasons to question how categorical this view is) to push towards a unitary court system, "[n]o law 'pursues its purposes at all costs.'" *Hernandez* v. *Mesa*, 589 U. S. ___, ___ (2020) (slip op., at 5) (quoting *American Express Co.* v. *Italian Colors Restaurant*, 570 U. S. 228, 234 (2013)). It is not our role to narrowly divine the overarching purpose of a constitutional provision and then torture the provision's text until it confesses to fulfilling that purpose. That would substitute us for the legislature. On these grounds, we conclude the purpose debate is not so one-sided and definitely does not cut any which way in particular.

Third, it is a constitutional rule of thumb that not all general structural provisions apply with equal force to territories and their governments. See generally *Aurelius*, 590 U. S., at ___–___ (majority opinion) (slip op., at 21–22). As Ridgeway is legally analogous to a U. S. Territory, this principle applies to it. We need not address with too much specificity whether this applies to the No-Municipal-Courts Clause because any application of that Clause to Ridgeway would already rest on a very strained and antitextual reading of the Clause's text. The fact that adopting that already-suspect reading would raise additional questions under the general *Aurelius* principle validates our rejection of this line of argument.

B

The second argument proves a bit more difficult but is

ultimately built on sand as well. It is true that the Constitution directs that the "Trial of all Crimes" happen within the "federal district Court" but neither text nor precedent require us to treat this provision as a bar to the trial of County-level crimes within the Ridgeway County Court.

1

First, consider the text. The Venue Clause's text closely parallels the language of the prototype Constitution's Venue Clause. That version's Venue Clause instructs that

> "The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed."

On its face, this language does not distinguish between local and federal crimes, but reference to the provision's jury clause and this Court's application of it is sufficient to conclude that the provision's use of the phrase "all Crimes" was never understood to encompass non-federal offenses. As such, the Clause does not affirmatively dictate one way or another which court local offenses must be tried in.

The provision's jury clause mandates that all covered trials "be by Jury" but the right to a jury trial was never enforced by federal courts against the States until the incorporation of the Sixth Amendment's jury trial right against the States in 1968 pursuant to the Fourteenth Amendment. See *Duncan* v. *Louisiana*, 391 U. S. 145, 148–150 (1968) (incorporating the Sixth Amendment right to jury a trial on the grounds that it is "fundamental to the American scheme of justice"). If the prototype's Venue Clause was understood to apply to non-federal offenses, how to explain the gap between 1789 and 1968 where the right to a jury in State trials was not federally protected? The short answer is that there is no rational way to explain the gap under that

reading of the Venue Clause.

If the Venue Clause reached non-federal offenses, the complete absence of federal constitutional protection for the right to a jury in non-federal trials until 1968 stands as entirely inexplicable. We cannot presume the Venue Clause's text contained that reach but that it went completely unnoticed until at least 1968 and probably even to this very day (after all, incorporation of the jury trial right was under the Fourteenth Amendment, not the Venue Clause). To be clear, our holding is not that extratextual considerations override the text of the Venue Clause. On the contrary, our conclusion rests on the text itself. We simply recognize that the text was never understood to have the broad coverage proponents of this argument say it does and merely acknowledge that we can find no clear signal in the text which rebuts this unanimous historical consensus. On these grounds, we must conclude that this line of argument finds no home in the text of the Venue Clause.

2

In the absence of textual support, proponents of this line of argument might turn to our precedent. More specifically, they may invoke *United States* v. *District of Columbia*, 5 U. S. 95 (2018). But that case does not support the broad proposition that the Venue Clause *mandates* that non-federal offenses be tried solely in federal court. In that case, we relied on the Venue Clause as part of a "*presumption*" that Municipalities "*may*" prosecute "violations of their laws in federal court." *Id.*, at 99. In two respects, this reasoning fails to support the line of argument now before us.

First, this "presumption" had two pillars, not one. The second pillar was that the entity which sought to prosecute in federal court—the Municipality of Washington, D. C.—lacked the ability to establish its own courts. Thus, "denying them access to federal court would . . . mean preventing

them from prosecuting altogether." *Ibid.* As we have explained here, however, the No-Municipal-Courts Clause does not prohibit the establishment of the Ridgeway County Court because Ridgeway is not a Municipality. See *supra*, at 7–9. The presumption we relied on the Venue Clause for in *District of Columbia* is therefore inapposite in this case for the simple reason that its second pillar does not apply to Ridgeway. In this case, given the vastly different doctrinal context which results from the absence of the second pillar, *District of Columbia*'s use of the Venue Clause is worth no more than regular dicta.

Second, as we stated in *District of Columbia*, our conclusion was permissive not compulsory. We based our holding on a presumption, which no other factor rebutted, that covered entities "*may*" prosecute in federal court. Importantly, our holding was not that they are required to. In the case of a Municipality, the absence of another option did mean that prosecuting in federal court was their only option. But, with respect to Ridgeway, that is not the case. Therein lies the trouble with attempting to transplant our reasoning from *District of Columbia* to vastly different contexts such as this one. The ruling hinged significantly on features which were unique to Municipalities. As we explained, however, the legal status given to Ridgeway "exempts [it] from some of the limits which exist on Municipal power" at the price of "withhold[ing] some of the special legal rights Municipalities may possess." *Supra*, at 5. Ridgeway is not a Municipality and applying legal frameworks built around Municipalities will often lead to confusing and erroneous results. That is why we must proceed with our interpretation of the plain text, set forth above. In this case, that means rejecting the proposed line of argument.

C

Finally, we address the last asserted problem with the Ridgeway County court system: the appointment process.

In particular, some argue that under the Appointments Clause all judges must be appointed by the President with the advice and consent of the Senate. While this argument does appear intuitive, it ignores the territorial status of Ridgeway. As we explained, "not all general structural provisions apply with equal force to territories and their governments." *Supra*, at 9. Straightforward application of our holding in *Aurelius* is sufficient to rebut this argument.

1

In *Aurelius*, we held that territorial officers—in this case, Ridgeway officials—who exercise "primarily local" authority are not subject to the requirements of the Constitution's Appointments Clause. 590 U. S., at ___ (slip op., at 17). The Court's conclusion rested on three main considerations: history, text, and structure.

First, adopting an interpretation of the Appointments Clause which sweeps in officials who perform only "primarily local" duties "would ignore the history . . . stretching back to the founding" which adopts a contrary understanding of the Appointments Clause. *Id.*, at ___ (slip op., at 18). When the First Congress legislated for the Northwest Territories, it created a House of Representatives "with members selected by election," not Presidential appointment. *Id.*, at ___ (slip op., at 10). Congress also created "an upper house of the territorial legislature, whose members were appointed by the President (without Senate confirmation) from lists provided by the elected, lower house." *Id.*, at ___–___ (slip op., at 10–11). If the Appointments Clause was understood to apply to primarily local offices, neither of these appointment schemes would have been constitutionally valid. But, at the time, this Court did not invalidate either. It would be a shocking exercise in hubris for this Court to now conclude that it understands the strictures of the Constitution better than the First Congress or the founding generation's Supreme Court.

The practice of "creating by federal law local offices for the Territories . . . that are filled through election or local executive appointment has continued unabated *for more than two centuries*." *Id.*, at ___ (slip op., at 11) (emphasis added; citing, *e.g.*, Act of Aug. 7, 1789, 1 Stat. 51, n. *(a)* (Northwest Territories local offices filled by election); Act of Apr. 7, 1798, §3, 1 Stat. 550 (Mississippi, same); Act of May 7, 1800, §2, 2 Stat. 59 (Indiana, same); Act of May 15, 1820, §3, 3 Stat. 584 (District of Columbia, same); Act of Apr. 30, 1900, §13, 31 Stat. 144 (Hawaii, same); Act of Aug. 24, 1912, §4, 37 Stat. 513 (Alaska, same); Act of Aug. 23, 1968, §4, 82 Stat. 837 (Virgin Islands, same); Act of Sept. 11, 1968, Pub. L. 90–497, §1, 82 Stat. 842 (Guam, same); Act of May 4, 1812, §3, 2 Stat. 723 (D. C. mayor appoints "all offices"); Act of June 4, 1812, §2, 2 Stat. 744 (Missouri Governor, similar); Act of Mar. 2, 1819, §3, 3 Stat. 494 (Arkansas, similar); Act of June 6, 1900, §2, 31 Stat. 322 (Alaska, similar); Act of Sept. 11, 1968, §1, 82 Stat. 843 (Guam, similar)). The "practice of the First Congress"—along with the two-century-long consensus that followed—is "strong evidence of the original meaning of the Constitution." *Ibid.*

Second and third, the text and structure of the Appointments Clause validates this two-century consensus. The Appointments Clause applies only to "Officers of the United States" (and "Ambassadors," "other public Ministers and Consuls," as well as "Judges of the supreme Court," but no one has suggested that any of these are pertinent to the presented issue). The textual question is whether the key term "of the United States" encompasses officers who exercise primarily local authority. The text "suggests a distinction between federal officers"—those who exercise the "power of the National Government"—and "nonfederal officers." *Id.*, at ___ (slip op., at 9). And from a structural standpoint, the Constitution authorizes Congress to legislate for territories in ways "that would exceed its powers, or at least would be very unusual" in other contexts. *Palmore* v. *United States*,

411 U. S. 389, 398 (1973). When Congress legislates and empowers territorial governments, or as here the Ridgeway County government, it is exercising something other than its regular national powers. On this basis, the *Aurelius* Court concluded that territorial officials who exercise primarily local authority are nonfederal officers and therefore not subject to the Appointments Clause.

2

This principle is also not just limited to territorial executive and legislative officials but encompasses territorial judges as well. Territorial judges who exercise primarily local authority are therefore not subject to the requirements of the Appointments Clause. This Court's approach in two cases, *O'Donoghue* v. *United States*, 289 U. S. 516 (1933), and *Palmore* v. *United States*, illustrates this rule.

First, in *O'Donoghue*, the Court considered whether Article III's tenure and appointment requirements applied to the judges of the courts of the District of Columbia. At the time, the Court held that they did. These courts, we reasoned, were "'courts of the United States'" and "recipients of the judicial power of the United States." 289 U. S., at 546, 548. As such, its judges had to meet and were entitled to Article III's requirements and privileges. But in *Palmore* the Court reached "what might seem the precisely opposite" conclusion. *Aurelius*, *supra*, at ___ (slip op., at 19). The Court there concluded that D. C. Superior Court judges were not entitled to Article III's protections or obligated to meet its requirements. *Palmore*, *supra*, at 390. The Court explained the difference from *O'Donoghue* by pointing to changes Congress had made to the nature of the court. Prior to that change, the court had been one unified body, which adjudicated both local and federal claims. But Congress separated the court into two entities, one of which—the D. C. Superior Court—only adjudicated local issues. The *Palmore* Court determined that because the "focus" of

this Court was "primarily upon . . . matters of strictly local concern," it was a local entity not subject to the tenure and appointment requirements of the Federal Constitution. *Id.*, at 407.

3

As we mentioned earlier, the Ridgeway County Court was "designed to exercise purely local authority." *Supra*, at 5. It therefore fits comfortably within the framework established by *Aurelius* and *Palmore*: its judges are not subject to the Appointments Clause. In fact, the jurisdiction of the Ridgeway County Court closely resembles the jurisdiction granted to the D. C. Superior Court in question in *Palmore*. The court in *Palmore* was given only "criminal jurisdiction over . . . those cases brought under any law applicable exclusively to the District of Columbia." *Aurelius*, *supra*, at ___ (slip op., at 20). Similarly, the Ridgeway County Court has only criminal jurisdiction over those cases arising under Ridgeway law. In light of these considerations, we conclude that the Ridgeway County Court as described in the County Charter is consistent with the Appointments Clause.

III

Having now concluded that the Ridgeway County Court is already authorized by the Constitution precisely as imagined in the County Charter, we must consider whether any other arguments would justify ratifying the proposed amendment anyways. None do.

A

We are not persuaded by the view that we should amend the Constitution merely to clarify the constitutionality of something that is already constitutional. As our analysis, shows, see *supra*, at 6–16, the Ridgeway County Court is constitutional exactly as it stands. And our analysis in this

opinion is binding on all courts because this opinion represents the views of a majority of the Court.

Against this backdrop, where as a matter of constitutional doctrine the constitutionality of the Ridgeway County Court is already firmly established, we can think of no reason for inserting an amendment like the one proposed here into the Constitution. As other Justices have explained, there is no reason to add a redundant clarification to the Constitution.

B

We are equally unpersuaded by the view that our duty when it comes to ratifying amendments is purely clerical, such that we should ratify any amendment which would not clearly result in unintended consequences. As we explained in the beginning, our job in the amendment ratification context is to ensure that the Constitution's basic structure is not unnecessarily or unduly altered. See *supra*, at 1. That entails more than just policing for unintended consequences. But even if that were our role, the redundancy of this proposed amendment carries an innate risk of unintended consequences.

Specific provisions within the proposed amendment raise special concern. First, the amendment purports to restrict the power of the Ridgeway County Court to those subjects within the "[c]onstitutional authority of the County." RCA §1. As should be clear by now, the powers of the County are conferred by its Charter, not the Constitution. An unintended consequence of this provision, had we elected to ratify it, could have been the shrinking of the County Court's valid jurisdiction from where it stands in the status quo. Congress likely did not intend this when it proposed the amendment, but that is a clear potential side effect of ratification. Second, the amendment's Venue Clause generally requires that all Ridgeway-level criminal trials be within the County's court system, but that denies future flexibility

to the County government over the structure of County affairs. As the Constitution currently stands, the Ridgeway County Court is valid exactly as it is presently conceived, *and* the County government retains discretion to shape the future of the County's internal structures. Accordingly, denying this proposed amendment not only prevents the unnecessary alteration of the Constitution, it prevents potential unintended consequences down the road in the operation of the County Court.

* * *

We deny this amendment not because we disagree with the notion of a County Court or because we are unhappy with its planned structure and authorities. We deny this amendment because the Constitution already authorizes all of that in its current form and without the risk of unforeseen consequences. When it comes to the ratification of constitutional amendments, we have a gatekeeping role to play. It is a narrow role, and most amendments will make their way through. But today is the rare case where it is both necessary and appropriate that we deny ratification and we are glad to fulfill our role.

We concur.