

Chapter 12

Supreme Court Decision Making

Why It's Important

Everyone's Supreme Court

The Supreme Court of the United States hears cases appealed to it by everyone from prisoners in jail to presidents. What influences the justices' decisions? In this chapter you will learn how the Court makes its judgments.



To learn more about how the Supreme Court works, view the *Democracy in Action* Chapter 12 video lesson:

Supreme Court Decision Making

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GOVERNMENT

Online



Chapter Overview Visit the *United States Government: Democracy in Action* Web site at gov.glencoe.com and click on **Chapter 12—Overview** to preview chapter information.

The Supreme Court at Work

Reader's Guide

Key Terms

writ of certiorari, per curiam opinion, brief, amicus curiae, majority opinion, dissenting opinion

Find Out

- By what route do most cases from other courts reach the Supreme Court?
- What are the main steps the Supreme Court takes in deciding cases?

Understanding Concepts

Political Processes Why does the Supreme Court decline to hear most of the cases brought to it?

COVER STORY

Miranda Upheld

WASHINGTON, D.C., JUNE 26, 2000

Today the Supreme Court upheld Miranda rights in the case of *Dickerson v. United States*. Basing the decision on the original *Miranda v. Arizona* case of 1966, the Court held that suspects in police custody must be informed of their rights before statements can be taken and used as evidence. The petitioner, Charles Dickerson, was indicted for bank robbery and a weapons charge based on information he supplied to the FBI before he was informed of his rights. The Court ruled that this testimony was inadmissible because it was a violation of the Fifth and Fourteenth Amendments (self incrimination and due process).



"You have the right to remain silent..."

Traditionally, the Supreme Court met for about nine months each year. Each term began the first Monday in October and ran as long as the business before the Court required, usually until the end of June. A term is named after the year in which it begins. Since 1979, however, the Court has been in continuous session throughout the year, taking periodic recesses. The 1997 term, for example, began in October 1997 and did not adjourn until the first Monday in October 1998, when the next term began.

The Court's Procedures

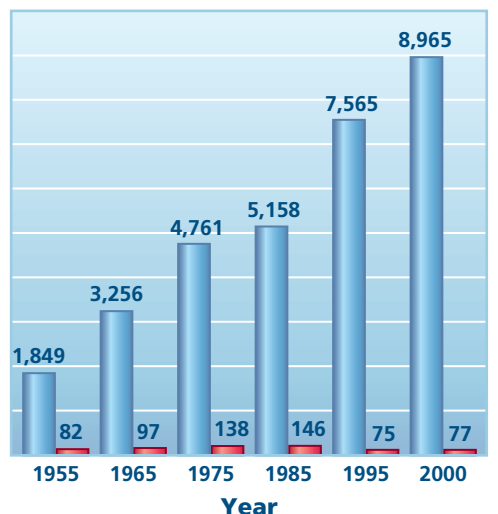


During the term the Court sits for two consecutive weeks each month. At these sittings the justices listen to oral arguments by lawyers on each side of the cases before them. Later they announce their opinions on cases they have heard. The Court hears oral arguments from Monday through Wednesday. On Wednesdays and Fridays the justices meet in secret conferences to decide cases.

After a two-week sitting, the Court recesses and the justices work privately on paperwork. They consider arguments in cases they have heard and study petitions from plaintiffs who want the Court to hear their cases. They also work on **opinions**—written statements on cases they have already decided.

More than 8,900 cases were appealed to the Supreme Court in 2000. However, the Court has time to grant review to only about 1 percent of these cases. The Court may decide several hundred cases, but, for example, it gave full hearings and signed opinions in only 121 cases in 1990. That number dropped to 83 cases by 2000. In the opinions that accompany this small number of cases, the Court sets out general principles that apply to the nation as well as to the specific parties in the case. It is mainly through these cases that the Court interprets the law and shapes public policy.

Supreme Court Caseload




Source: U.S. Census Bureau, Statistical Abstract of the United States, 2002.

■ Number of cases
■ Signed opinions

Critical Thinking While the number of cases on the Supreme Court docket, or list of cases to be heard, has increased over the years, the number of signed opinions has declined. *Why do you think the number of signed opinions has declined?*

How Cases Reach the Court

 Some cases begin at the Supreme Court because they fall under its original jurisdiction. The vast majority of cases, however, reach the Supreme Court only as appeals from lower court decisions. These cases come to the Supreme Court in one of two ways—on appeal or by writ of certiorari.

Writ of Certiorari The main route to the Supreme Court is by a **writ of certiorari** (SUHR·shee·uh·RAR·ee)—an order from the Court to a lower court to send up the records on a case for review. The party seeking review petitions the Court for certiorari and must argue either that the lower court made a legal error in handling the case or that the case raises a significant constitutional issue.

The Supreme Court is free to choose which cases it will consider, and it rejects more than 90 percent of requests for certiorari. Denial of certiorari does not necessarily mean that the justices agree with the

lower court's decision. Instead, they may see the case as not being important enough to the public welfare to reconsider. Whatever the reason, when the Court denies certiorari, the lower court's decision stands.

On Appeal Certain cases reach the Court on appeal, meaning that the decision of a lower federal or state court has been requested to be reviewed. In most cases, an appeal results from instances in which a lower court has ruled a law unconstitutional or dismissed the claim that a state law violates federal law or the Constitution.

Few cases actually arrive on appeal, and the Court dismisses many of them. The Court will generally dismiss a case if it has procedural defects or does not involve federal law. When a case is dismissed, the decision of the lower court becomes final.

The Solicitor General Close to half of the cases decided by the Supreme Court involve the federal government in the suit. The solicitor general is appointed by the president and represents the federal government before the Supreme Court. The solicitor general serves as a link between the executive branch and the judicial branch. Presidents expect their solicitor general to support the administration's views on major legal questions.

The solicitor general plays a key role in setting the Court's agenda by determining whether the federal government should appeal lower federal court decisions to the Supreme Court. Lawyers on the solicitor general's staff do most of the research for Supreme Court cases that involve the federal government. This staff also prepares written and oral arguments to support the government's position on the case.

Selecting Cases Justice William O. Douglas once called the selection of cases "in many respects the most important and interesting of all our functions." When petitions for certiorari come to the Court, the justices or their clerks identify cases worthy of serious consideration, and the chief justice puts them on a "discuss list" for all the justices to consider.

Almost two-thirds of all petitions for certiorari never make it to the discuss list. At the Court's Friday conferences, the chief justice reviews the

cases on the discuss list. Then the justices—armed with memos from their clerks, other information on the cases, and various law books—give their views. In deciding to accept a case, the Court operates by the “rule of four.” If four of the nine justices agree to accept the case, the Court will do so.

When the justices accept a case, they also decide whether to ask for more information from the opposing lawyers or to rule quickly on the basis of written materials already available. If the Court rules without consulting new information, the ruling may be announced with a **per curiam** (puhr KYUR·ee·AHM) **opinion**—a brief, unsigned statement of the Court’s decision.

Steps in Deciding Major Cases



The Supreme Court follows a set procedure when hearing important cases. Much of this activity goes on behind the scenes, with only a small part taking place in an open courtroom.

Submitting Briefs After the Court accepts a case, the lawyers on each side submit a brief. A **brief** is a written statement setting forth the legal arguments, relevant facts, and precedents supporting one side of a case.

Parties not directly involved in the case but who have an interest in its outcome may also submit written briefs. Called **amicus curiae** (uh·mee·kuhs KYUR·ee·EYE)—or “friend of the court”—briefs, they come from individuals, interest groups, or government agencies claiming to have information useful to the Court’s consideration of the case. Sometimes the briefs present new ideas or information. More often, however, they are most useful for indicating which interest groups are on either side of an issue.

Oral Arguments After briefs are filed, a lawyer for each side is asked to present an oral argument before the Court. Each side is allowed 30 minutes to summarize the key points of its case. Justices often interrupt the lawyer during his or her oral presentation,

sometimes challenging a statement or asking for further information. The lawyer speaks from a lectern that has a red light and a white light. The white light flashes 5 minutes before the lawyer’s time is up. When the red light comes on, the lawyer must stop talking immediately.

The Conference On Wednesdays and Fridays the justices meet to discuss the cases they have heard. The nine justices come into the conference room and, by tradition, each shakes hands with the other eight. Everyone else leaves. Then one of the most secret meetings in Washington, D.C., begins.

For the next several hours, the justices debate the cases. No meeting minutes are kept. The chief justice presides over the discussion of each case and usually begins by summarizing the facts of the case and offering recommendations for handling it.

In the past the justices discussed cases in detail. Today the Court’s heavy caseload allows little time

Reaching the Supreme Court



Routes of Justice The principal of Hazelwood East High School censored the student newspaper. The students took him to court. After a federal judge ruled against the students, a federal appeals court overturned that ruling. From there the case went to the Supreme Court in *Hazelwood School District v. Kuhlmeier* (1988). **Why do you think the process for a case to reach the Supreme Court was set up as it was?**

for such debates. Instead, each decision gets about 30 minutes of discussion. Cases being considered for future review each get about 5 minutes. The chief justice merely asks each associate justice, in order of seniority, to give his or her views and conclusions. Then the justices vote. Each justice's vote carries the same weight.

A majority of justices must be in agreement to decide a case, and at least six justices must be present for a decision. If a tie occurs, the lower court decision is left standing. The Court's vote at this stage, however, is not necessarily final.

Writing the Opinion For major cases the Court issues at least one written opinion. The opinion states the facts of the case, announces the Court's ruling, and explains its reasoning in reaching the decision. These written opinions are as important as the decision itself. Not only do they set precedent for lower courts to follow in future cases, but they also are the Court's way to communicate with Congress, the president, interest groups, and the public.

The Court issues four kinds of opinions. In a **unanimous opinion**, all justices vote the same way. About one-third of the Court's decisions are unanimous. A **majority opinion** expresses the views of the majority of the justices on a case. One or more justices who agree with the majority's conclusions about a case, but do so for different reasons, write a **concurring opinion**. A **dissenting opinion** is the opinion of justices on the losing side in a case. Because the Court does change its mind on issues, a dissenting opinion may even become the majority opinion on a similar issue many years later. Chief Justice **Charles Evans Hughes** expressed this in a frequently quoted defense of dissenting opinion:

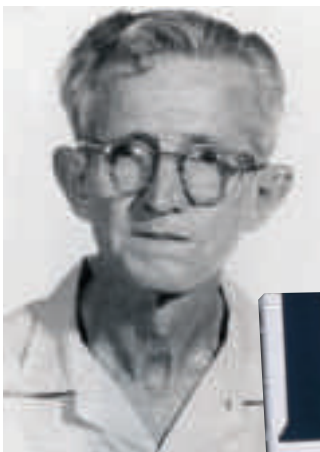
“A dissent in a court of last resort is an appeal to the brooding spirit of the law, to the intelligence of a future day, when a later decision may possibly correct the error into which the dissenting judge believes the court to have been betrayed.”

—Chief Justice Hughes

We the People

Making a Difference

Clarence Gideon



One morning in 1961 police officers arrested Clarence Earl Gideon for a burglary the previous night, despite his pleas of innocence. Gideon, a poor man, could not afford to hire a lawyer.

On August 4, Gideon's trial began in the Circuit Court of Bay County, Florida. Gideon addressed the judge, saying, "I request this court to appoint counsel to represent me." The judge explained that the Supreme Court had ruled that states had to provide lawyers for poor people only if they were charged with serious crimes, like murder. Without a lawyer's help, Gideon was found guilty.

Gideon appealed his conviction, claiming,

"I knew the Constitution guaranteed me a fair trial, but I didn't see how a man could get one without a lawyer to defend him." The state supreme court refused to review Gideon's case. Gideon appealed his case to the Supreme Court.

Although the jail had no resources, no law library or attorneys to consult, not even a typewriter, Gideon studied law and pursued his goal. The justices finally agreed to let Gideon have his day in court.

In 1963 the Court ruled in Gideon's favor. Justice Hugo Black explained that the Fourteenth Amendment required states to grant citizens those rights considered "fundamental and essential to a fair trial." Those too poor to hire their own attorneys must be provided one by the state. A book was written about Gideon's case.

If the chief justice has voted with the majority on a case, he or she assigns someone in the majority to write the opinion. When the chief justice is in the minority, the most senior associate justice among the majority assigns one of the justices on that side of the case to write the majority opinion. Public policy established from a case may depend in large part on who writes the opinion. For this reason, chief justices often assign opinions in very important cases to themselves or to a justice whose views on the case are similar to their own.

Usually with the help of his or her law clerks, a justice prepares a first draft of an opinion and circulates it among the other justices for their comments. They may accept the draft with minor alterations, or they may find fault with the draft. In that case the writer must make major changes to keep their support.

When the other justices do not accept the initial draft of a majority opinion, a bargaining process often begins. Memos and new versions of the opinion may be written as the justices try to influence or satisfy one another.

Weeks or even months may go by as the justices bargain and rewrite their opinions. Finally,

however, the case is settled and the decision is announced during a sitting. All the while, the Court is selecting and hearing new cases.

The Court in Session

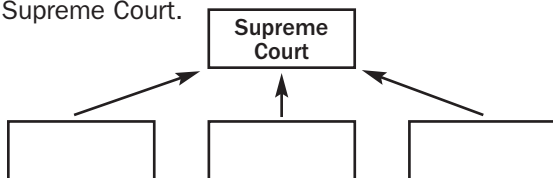


Rules of the Court This clandestine photograph of the Supreme Court in session in 1935 may be the only photo ever taken during a case hearing before the Court. **Why would Supreme Court sessions be closed to cameras?**

Section 1 Assessment

Checking for Understanding

- 1. Main Idea** Use a graphic organizer like the one below to identify the three ways cases reach the Supreme Court.



- 2. Define** writ of certiorari, per curiam opinion, brief, amicus curiae, majority opinion, dissenting opinion.
- 3. Identify** Charles Evans Hughes.
- 4.** What steps does the Supreme Court take in selecting, hearing, and deciding cases?

Critical Thinking

- 5. Demonstrating Reasoned Judgment** Do you believe that it is proper that the Supreme Court's deliberations are secret and that no minutes are kept?

Concepts IN ACTION

Political Processes The Supreme Court does not hear all the cases sent to it on appeal. Find out how many cases were sent to the Supreme Court in each of the past 10 years and the number of cases about which an opinion was issued. Present your information in a double bar graph.

Shaping Public Policy

Reader's Guide

Key Terms

judicial review, impound, stare decisis, precedent, advisory opinion

Find Out

- Does the Court's use of judicial review give it too much power compared to that of the president and Congress?
- By what means is the Supreme Court limited in its power?

Understanding Concepts

Constitutional Interpretations How do Supreme Court decisions affect laws passed at both the state and national levels?

COVER STORY

Children Work Longer

CHARLOTTE, NORTH CAROLINA, 1918

In a 5-4 decision, the Supreme Court has struck down the federal Child Labor Act of 1916. The action came in a case brought by Roland Dagenhart, whose two young sons work in a local cotton mill. Dagenhart claimed that limiting his children to 8-hour days and a 6-day workweek violates their civil liberties. "All will admit," the Court said, "there should be limitations upon the right to employ children in mines and factories. . . . However, only a state has authority over such matters," the Court concluded. Critics charge that a state's desire to attract industry encourages weak child labor laws.



A 12-year-old spinner in a cotton mill

The Supreme Court is both a political and a legal institution. It is a legal institution because it is ultimately responsible for settling disputes and interpreting the meaning of laws. The Court is a political institution because when it applies the law to specific disputes, it often determines what national policy will be. For example, when the Court rules that certain provisions of the Social Security Act must apply to men and women equally, it is determining government policy.

Tools for Shaping Policy



Congress makes policy by passing laws. The president shapes policy by carrying out laws and by drawing up the national budget. As the Supreme Court decides cases, it determines policy in three ways. These include: (1) using judicial review, (2) interpreting the meaning of laws, and (3) overruling or reversing its previous decisions.

Under Chief Justice Earl Warren in the 1950s, the Court took a stand far in advance of public opinion. The cases seemed to contain more and more public policy. It seemed the Court had become an agent of change that Justice Oliver Wendell Holmes, Jr., had envisioned in 1913:

"We too need education in the obvious—to learn to transcend our own convictions and to leave room for much that we hold dear to be done away with short of revolution by the orderly change of law."

—Justice Oliver Wendell Holmes, Jr.

Judicial Review The Supreme Court's power to examine the laws and actions of local, state, and national governments and to cancel them if they violate the Constitution is called **judicial review**. The Supreme Court first assumed the power of judicial review and ruled an act of Congress unconstitutional in

the case of *Marbury v. Madison*¹ in 1803. Since then, the Court has invalidated about 150 provisions of federal law. This number may seem insignificant when compared to the thousands of laws Congress has passed, but when the Court declares a law unconstitutional, it often discourages the passage of similar legislation for years. In addition, some of these rulings have had a direct impact on the nation's direction. In the *Dred Scott*² case (1857), the Court ruled that the Missouri Compromise, which banned slavery in some territories, was unconstitutional. This decision added to the tensions leading to the Civil War.

Judicial Review and Civil Rights

The Supreme Court may also review presidential policies. In the classic case of *Ex parte Milligan*³ (1866), the Court ruled President Lincoln's suspension of certain civil rights during the Civil War unconstitutional. More recently, in the case of *Train v. City of New York*⁴ (1975), the Court limited the president's power to **impound**, or refuse to spend, money Congress has appropriated.

The Supreme Court exercises judicial review most frequently at the state and local levels. Since 1789 the Court has overturned more than 1,270 state and local laws. In recent years the Court has used judicial review to significantly influence public policy at the state level in the areas of racial desegregation, reapportionment of state legislatures, and police procedures.

Judicial review of state laws and actions may have as much significance as the Court's activities at the federal level. In *Brown v. Board of Education of Topeka*⁵ (1954), the Court held that laws requiring or permitting racially segregated schools in four states and the District of Columbia were unconstitutional. The *Brown* decision cleared the way for the end of segregated schools throughout the nation. In *Miranda v. Arizona*⁶ (1966), the Court ruled that police had acted unconstitutionally and had violated a suspect's rights. The *Miranda* decision brought major changes in law enforcement policies and procedures across the nation.

Impact of Decisions



Checks and Balances A decision of the Court affects the entire country. **How might the decision in the PGA Tour, Inc. v. Martin affect other sports? How is this case a good example of checks and balances?**

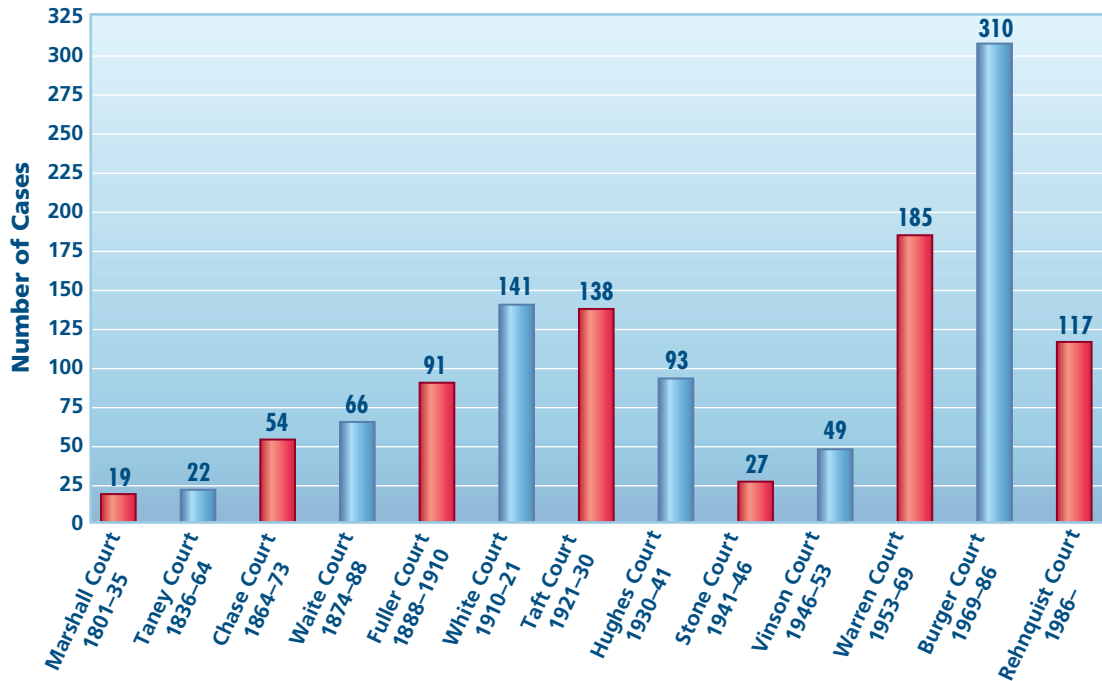
Interpretation of Laws Another way that the Court shapes public policy is by interpreting existing federal laws. Congress often uses very general language in framing laws, leaving it to the executive or judicial branch to apply the law to a specific situation. For example, the Americans with Disabilities Act of 1990 prohibits discrimination on the basis of disability in jobs, housing, and “places of public accommodation.”

Did such language mean that the Professional Golfers' Association (PGA) had to provide special tournament arrangements for disabled participants in the same manner it did spectators? In *PGA Tour, Inc. v. Martin*⁷ (2001), the Court ruled that the PGA must accommodate Casey Martin, a professional golfer disabled by a degenerative condition in his right leg, allowing him to ride in a golf cart rather than walk the course as required by PGA rules. The *Martin* decision could influence who participates in a variety of sports competitions.

See the following footnoted materials in the **Reference Handbook**:

1. *Marbury v. Madison* case summary, page 761.
2. *Dred Scott v. Sandford* case summary, page 757.
3. *Ex parte Milligan* case summary, page 758.
4. *Train v. City of New York* case summary, page 766.
5. *Brown v. Board of Education of Topeka* case summary, page 755.
6. *Miranda v. Arizona* case summary, page 762.
7. *PGA Tour, Inc. v. Martin* case summary, page 763.

State and Local Laws Overturned by the Supreme Court, 1801–2000



Source: www.gpoaccess.gov/constitution.

Critical Thinking The Supreme Court has overturned more than 1,270 state and local laws since 1801. Which court overturned the most state and local laws?

A similar law, the Civil Rights Act of 1964, prohibits discrimination based on “race, color, or national origin” in any program receiving federal aid. In *Lau v. Nichols*¹ (1974), the Court interpreted the law to require schools to provide special instruction in English to immigrant students.

Legislatures nationwide interpreted the Court’s ruling to mean that classes must be taught in Spanish for Hispanic students whose native language was not English. Congress may not have considered this interpretation when it wrote the Civil Rights Act. The Supreme Court, in the end, decides what Congress means, and the impact of its rulings is felt across the nation.

Major acts of Congress, such as the Interstate Commerce Act and the Sherman Antitrust Act, have come before the Court repeatedly in settling disputes. Justice Tom Clark summarized the Supreme Court’s constitutional role as

“... somewhat of an umpire. It considers what the Congress proposes, or what the executive proposes, or what some individual claims, and rules upon these laws, proposals, and claims by comparing them with the law as laid down by the Constitution . . . and then calls the strikes and the balls.”

—Justice Tom Clark

Overturning Earlier Decisions One of the basic principles of law in making judicial decisions is **stare decisis** (STEHR·ee dih·SY·suhs)—a Latin term that means “let the decision stand.” Under this principle, once the Court rules on a case, its decision serves as a **precedent**, or model, on which

See the following footnoted materials in the **Reference Handbook**:
1. *Lau v. Nichols* case summary, page 760.

to base other decisions in similar cases. This principle is important because it makes the law predictable. If judges' decisions were unpredictable from one case to another, what was legal one day could be illegal the next.

On the other hand, the law needs to be flexible and adaptable to changing times, social values and attitudes, and circumstances. Flexibility exists partly because justices sometimes change their minds. As one noted justice said, "Wisdom too often never comes, and so one ought not to reject it merely because it comes late."

More often, the law is flexible because of changes in the Court's composition. Justices may be appointed for life, but they do not serve forever. As justices die or retire, the president appoints replacements. New justices may bring different legal views to the Court and, over time, shift its position on some issues.

In 1928, for example, the Court ruled in *Olmstead v. United States*¹ that wiretaps on telephone conversations were legal because they did not require police to enter private property. Almost 40 years later, however, the Court's membership and society's values had changed. In *Katz v. United States*² (1967), the Court overturned the *Olmstead* decision, ruling that a wiretap was a search and seizure under the Fourth Amendment and required a court order.

Limits on the Supreme Court



Despite its importance, the Court does not have unlimited powers. Restrictions on the types of issues and kinds of cases the Court will hear, limited control over its own agenda, lack of enforcement power, and the system of checks and balances curtail the Court's activities.

Limits on Types of Issues Despite the broad range of its work, the Court does not give equal attention to all areas of national policy. For example, the Court has played only a minor role in making foreign policy. Over the years most Supreme Court decisions have dealt with civil liberties, economic issues, federal legislation and



See the following footnoted materials in the *Reference Handbook*:

1. *Olmstead v. United States* case summary, page 763.
2. *Katz v. United States* case summary, page 760.

GOVERNMENT

Online



Student Web Activity Visit the *United States Government: Democracy in Action* Web site at gov.glencoe.com and click on **Chapter 12—Student Web Activities** for an activity about shaping public policy.

regulations, due process of law, and suits against government officials.

Civil liberties cases tend to involve constitutional questions and make up the bulk of the Court's cases. Appeals from prisoners to challenge their convictions, for example, account for about one-fourth of the Court's decisions. Most of these cases concern constitutional issues, such as the right to a fair trial and the proper use of evidence. Many of the Court's other cases deal with economic issues such as government regulation of business, labor-management relations, antitrust laws, and environmental protection. The Court also spends time resolving disputes between the national government and the states or between two states.

Gradual Changes



Judicial Processes Fast-moving national and state governments often “bump up” against the slower-moving, deliberative Supreme Court. **Why would states want the Court's decision making to move more quickly?**

Limits on Types of Cases The Supreme Court has developed many rules and customs over the years. As a result, the Court will hear only cases that meet certain criteria.

First, the Court will consider only cases where its decision will make a difference. It will not hear a case merely to decide a point of law. Thus, the Court refused to decide whether the state of Idaho could retract its ratification of the Equal Rights Amendment. Not enough states had ratified the amendment, and the deadline had already expired. Whether or not Idaho could change its vote on the ERA made no difference. Further, unlike courts in some countries, the Supreme Court will not give **advisory opinions**—a ruling on a law or action that has not been challenged.


Second, the plaintiff—the person or group bringing the case—must have suffered real harm. It is not enough for people merely to object to a law or an action because they think it is unfair. Plaintiffs must show that the law or action being challenged has harmed them.

Third, the Court accepts only cases that involve a substantial federal question. The legal issues in dispute must affect many people or the operation of the political system itself.

Finally, the Court has traditionally refused to deal with political questions—issues the Court

believes the executive or legislative branches should resolve. In the 2000 presidential election, however, the Court for the first time heard two cases involving the recounting of votes in the state of Florida.¹ No clear line separates political questions from the legal issues the Court will hear. In the 1840s two groups each claimed to be the legal government of Rhode Island. The Supreme Court decided the dispute was political rather than legal and that Congress should settle it. In the end, the difference between a political question and a legal question is whatever the Court determines it to be.

Limited Control Over Agenda A third limit on the Supreme Court's power to shape public policy is that with few exceptions it can decide only cases that come to it from elsewhere in the legal system. As a result, events beyond the Court's control shape its agenda. When Congress abolished the draft in the mid-1970s, for example, it ended the Court's ability to decide religious freedom cases involving refusal to serve in the military. On the other hand, passage of the 1964 Civil Rights Act and similar laws created a large volume of civil liberties cases for the Court to decide.

 1. *Bush v. Gore* case summary, page 756; *Bush v. Palm Beach County* case summary, page 756.

THE LAW and You

Privacy on the Phone

Innovations in telephone technology have made communication much more convenient. Cordless, cellular, and digital phones allow varying degrees of mobility while talking on the telephone. When you use such phones, however, you are transmitting signals through the air that are similar to a radio broadcast. Anyone with a receiver tuned to the right frequency can overhear your conversation. Digital phones offer the most protection against eavesdropping, but special decoders can convert even digital transmissions into voice audio.

Federal laws offer some protection of telephone privacy. While it may not be unlawful to overhear a phone call, it is against the law to divulge the conversation or to use it for someone's

benefit. The manufacture or sale of scanning devices that can intercept cellular or digital calls is also illegal. With some exceptions, the recording of telephone conversations without the knowledge or consent of both parties is a violation of federal and state law.

Participating IN GOVERNMENT ACTIVITY

Survey Your Class How many people in the class use a cordless, cellular, or digital phone regularly? How many people are concerned that their conversations may not be private? Contact the Federal Communications Commission to obtain more information about laws protecting telephone use.



Of course, the Court can and does signal its interest in a subject by deliberately taking on a specific case. In 1962, for example, the Court entered the area of legislative apportionment by agreeing to hear *Baker v. Carr*.¹ In that Tennessee case, the Court reversed its 1946 position that drawing state legislative districts was a political question. As a result of the *Baker* decision, many cases challenging the makeup of legislative districts were brought to the Court. Still, even when the Court wishes to rule in an area, it may have to wait years for the right case in the proper context to come along.

Lack of Enforcement Power

A fourth factor limiting the Court's power to shape public policy is the Court's limited ability to enforce its rulings. President Andrew Jackson recognized this limitation when he refused to carry out a Court ruling he disliked, reputedly saying: "[Chief Justice] John Marshall has made his decision, now let him enforce it."



"... now let him enforce it."
—Andrew Jackson

Noncompliance may occur in several ways. Lower court judges may simply ignore a Supreme Court decision. During the 1960s many state court judges did not strictly enforce the Court's decisions banning school prayer. During the same period some officials, ranging from school principals to judges to governors, sought ways to avoid Court rulings on integrating schools. Moreover, the Supreme Court simply is not able to closely monitor the millions of trial decisions throughout the United States to make sure its rulings are followed. Nevertheless, most Court decisions are accepted and generally enforced.

Checks and Balances

The Constitution provides that the legislative and executive branches of the national government have several ways to try to influence or check the Supreme Court's power. These checks include the president's power

to appoint justices, the Senate's power to approve appointments, and Congress's power to impeach and remove justices. The system of checks and balances is a process that the Framers intended would both monitor and protect the integrity of the Court.

See the following footnoted materials in the **Reference Handbook**:
1. *Baker v. Carr* case summary, page 754.

Section 2 Assessment

Checking for Understanding

- Main Idea** Use a graphic organizer like the one below to compare the power of the Supreme Court with its constitutional limitations.

Power	Limitations

- Define** judicial review, impound, stare decisis, precedent, advisory opinion.
- Identify** *Marbury v. Madison*, *Miranda v. Arizona*.
- Identify four reasons why the Supreme Court's power to shape public policy is limited.

Critical Thinking

- Drawing Conclusions** Do you think the Supreme Court's power would be enhanced or diminished if it would give advisory opinions? Explain your answer.

Concepts IN ACTION

Constitutional Interpretations Research the supreme courts of Canada and Mexico. Find out how these courts select which cases they will hear. Write a brief summary that compares the selection process of these other supreme courts with that of the United States Supreme Court.



Supreme Court CASES TO DEBATE

review when it wants to clarify the meaning of the Constitution with respect to an important issue. This happened with the presidential election recount in Florida. Disputes over recounting ballots led the Court to address a question involving the Fourteenth Amendment: did all votes being recounted have to be treated equally?

George W. Bush et al. v. Albert Gore, Jr., et al., 2000

*The Supreme Court
sometimes takes a case for*



George W. Bush



Albert Gore

Background of the Case

The outcome of the 2000 presidential election hinged on Florida's 25 electoral votes. When the polls closed November 7, Democrat Al Gore had captured 267 of the 270 votes needed, and Republican George W. Bush had won 246. The vote in Florida was so close – Bush led by 1,784 out of more than 6 million votes cast – that it triggered an automatic recount to ensure an accurate result.

When ballots were again run through tabulation machines, Bush's margin shrank to fewer than 200 votes. Gore requested hand recounts of ballots in four predominantly Democratic counties where thousands of punch-card ballots had recorded no vote for president. Bush asked a U.S. District Court to block any further recounts, and a legal battle for votes began, involving lawyers representing both candidates, the Florida Secretary of State, Florida District Courts, the Florida Supreme Court, and eventually the U.S. Supreme Court.

While the manual recount was still in progress, the Florida Secretary of State certified Bush the winner by 537 votes. Gore appealed first to the Florida circuit court and then to the Florida Supreme Court,

which authorized manual recounts of disputed ballots to begin immediately. Bush appealed the ruling to the U.S. Supreme Court, which ordered the recount to stop.

The Constitutional Issue

The Florida Supreme Court ordered any recounts to use a general standard set forth in Florida law to discern "the intent of the voter." The ballots required voters to punch out small squares called "chads." On some ballots, the chad remained attached when punched, resulting in an uncounted vote when tabulated by machine. By what standard would a hand recount judge a voter's intent when a chad is left hanging by one or two corners but has not been cleanly removed?

Lawyers for Gore argued that examining ballots by hand inevitably requires personal judgments about a voter's intent. Lawyers for Bush argued that such a general standard violates the Fourteenth Amendment guarantee of equal protection. Without uniform standards of what constitutes a legal vote, it is impossible to ensure that each person's vote is treated the same.

Debating the Case

Questions to Consider

1. Did the Florida Supreme Court's standard for recounting disputed punch-card ballots result in one person's vote being valued more than another's?
2. What might be the consequences of using a very specific standard to determine which votes count?

You Be the Judge

Review the meaning of the Fourteenth Amendment. In your opinion, did the Florida Supreme Court's method for recounting votes violate the Fourteenth Amendment's guarantee of equal protection under the law? Explain.

Influencing Court Decisions

Reader's Guide

Key Terms

bloc, swing vote

Find Out

- How do relationships among the justices affect the Supreme Court?
- What are the various external influences on Supreme Court decisions?

Understanding Concepts

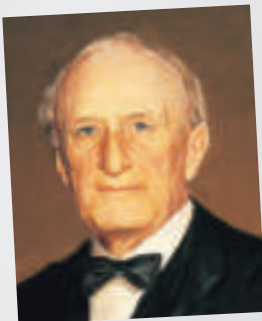
Public Policy How does the power of Congress over the Supreme Court affect public policy?

COVER STORY

Tension on the Court

WASHINGTON, D.C., 1924

There will be no official photograph of the Supreme Court taken this year. Justice James McReynolds has refused to appear in the photo with Justice Louis D. Brandeis. McReynolds's dislike of Brandeis is well known. In Court conferences, McReynolds will leave the room when it is Brandeis's turn to speak. Such behavior has brought great tension to the Court. It was a major factor in the recent retirement of Justice John Clarke, who describes McReynolds as obnoxious. Chief Justice William Taft also considers McReynolds a problem. "He is a continual grouch," Taft says, and "fuller of prejudice than any man I have ever known."



Justice McReynolds

Why do justices decide cases as they do? What factors influence how each votes on a case? Five forces shape the decisions the Court makes. They are (1) existing laws, (2) the personal views of the justices, (3) the justices' interactions with one another, (4) social forces and public attitudes, and (5) Congress and the president.

Basing Decisions on the Law



Law is the foundation for deciding cases that come before the Supreme Court. Justices, like other people, often hold strong opinions on issues that come before them. In the end, however, they must base their decisions on principles of law, and not simply on their personal opinions.

Laws and the Constitution, however, are not always clear in their meaning. If they were, a Supreme Court would not be needed. The First Amendment, for example, prohibits any law "abridging freedom of speech," but does this right provide absolute freedom or do limits exist? Does freedom of speech mean that a person has the right to falsely cry "Fire" in a crowded theater? The Fourth Amendment prohibits unreasonable searches and seizures, but what is unreasonable? Can tapping a person's telephone be considered an unreasonable search?

Most of the cases the Supreme Court is asked to rule on involve difficult questions like these. Where the meaning of a statute or a provision of the Constitution is not clear, the justices of the Court must interpret the language, determine what it means, and apply it to the circumstances of the case.


In interpreting the law, however, justices are not free to give it any meaning they wish. They must relate their interpretations logically to the Constitution itself, to statutes that are relevant to the case, and to legal precedents. The Court explains, in detail, the legal principles behind any new interpretation of the law.

Reaching Decisions



Diverse Views The viewpoints of Supreme Court justices range from conservative to liberal. During frequent discussions such as this one involving Justice Ruth Bader Ginsburg, Chief Justice William Rehnquist, and Justice Sandra Day O'Connor, the justices air their opinions. **Do you think the judicial branch is as political as the other branches? Why or why not?**


Views of the Justices

 Supreme Court justices, like other political figures, are people with active interests in important issues. Some justices, for example, may believe that individual rights must be protected at almost all costs, even if that means a few criminals may go unpunished. Other justices may be more concerned about rising crime rates. They may feel that a little loss of freedom from wiretaps or stop-and-frisk laws is acceptable if it helps curb crime.

Over the years some justices become identified with specific views on certain issues. Justice William O. Douglas, for example, was known as a consistent supporter of the rights of the underprivileged during his 36 years on the Court. Because, like Douglas, most justices take consistent positions in areas of personal concern, voting **blocs**, or coalitions of justices, exist on the Court on certain kinds of issues. In recent years one group of justices has consistently tended toward liberal positions on civil rights and economic issues. A different bloc has consistently tended to take more conservative positions on the same issues.

When justices retire and new appointees take their places, the size and power of each bloc may change. A majority bloc on certain issues may gradually become the minority bloc. If the Court is badly split over an issue, a justice whose views are not consistent with either bloc may represent a **swing vote**, or the deciding vote. When new justices are appointed, the Court sometimes overturns precedents and changes direction in its interpretations.

Relations Among the Justices

 In the early years of the Supreme Court, the justices lived and ate together in a Washington boardinghouse during the Court's term. Because the term was

fairly short, they did not move their families to Washington, D.C. Justice Joseph Story described life at the boardinghouse:

“*Judges here live with perfect harmony, and as agreeably as absence from friends and families could make our residence. . . . Our social hours, when undisturbed with the labors of the law, are passed in gay and frank conversation.* **”**

—Justice Joseph Story, 1812

Today the justices work almost the entire year and live with their families in or near Washington, D.C. In 1976 Justice Lewis F. Powell said, “As much as 90 percent of the time we function as nine small, independent law firms,” meeting as a group only for the oral argument sessions and conferences. The justices, he added, communicate with one another mostly in writing: “Indeed, a justice may go through an entire term without being once in the chambers of all the other eight members of the Court.”

Harmony or Conflict Despite the lack of frequent interaction, the quality of personal relations among the justices influences the Court's decision making. A Court marked by harmony is more likely to agree on decisions than one marked by personal antagonisms. Justices who can work easily with one another will be more likely to find common solutions to problems.


Even when justices are at odds with one another, they will try to avoid open conflict. A news reporter once asked a justice why he did not complain about certain actions of the chief justice, whom he disliked. The justice replied, "YOU don't have to live here for the rest of your life."

Relatively good personal relations among justices who disagreed strongly on legal issues marked some modern Courts. At other times severe personal conflicts have seriously divided the Court.

Influence of the Chief Justice The chief justice has several powers that can be used to influence the Court's decisions. In presiding over the Court during oral arguments and in conference, the chief justice can direct discussion and frame alternatives. In addition, the chief justice makes up the first version of the discuss list and assigns the writing of opinions to the justices.

These advantages do not necessarily guarantee leadership by a chief justice. Supreme Court chief justices must make skillful use of the tools of influence available to them if they are to be effective leaders and shape the Court's decisions. The chief justice can also influence the amount of personal conflict that might exist on the Court.

The Court and Society

 Harold Burton was appointed to the Supreme Court in 1945, after having served in Congress. When asked what the switch was like, he replied, "Have you ever gone from a circus to a monastery?"

Justice Burton's remark illustrates that, unlike Congress, the Court is fairly well insulated from public opinion and daily political pressures. The insulation results from the lifetime tenure of the justices and from rules that limit the way interest groups may try to influence the Court.

Still, the Supreme Court does not exist in a vacuum. The justices are interested in the Court's

prestige and in maintaining as much public support as possible. In addition, the justices are part of society and are affected by the same social forces that shape public attitudes.

Concern for Public Support As already noted, the Court relies on the cooperation and goodwill of others to enforce its decisions. The justices recognize that the Court's authority and power depend in part on public acceptance of and support for its decisions. They know that when the Court moves too far ahead or lags too far behind public opinion, it risks losing valuable public support and may weaken its own authority. For example, in one ruling against voter discrimination in the South, Justice Felix Frankfurter, a Northerner, was assigned to write the Court's opinion. After thinking it over, the Court reassigned the opinion to Justice Stanley Reed, a Southerner. The justices hoped this change would ease the resentment that they believed was almost inevitable in the South.

Influence of Social Forces 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 time the Court's decisions will usually reflect changes in American society, providing another reason why the Court sometimes reverses its earlier decisions. Two major decisions on racial segregation provide an example of how the Court changes with the times.

TIME

For the Record

Flipping Their Wigs When the first Supreme Court convened in 1790, almost no justice followed the English tradition of wearing a wig in court. Instead they followed the advice of Thomas Jefferson, who had said, "For heaven's sake, discard the monstrous wig which makes the English judges look like rats peeping through bunches of oakum."

Acknowledging Changes in Society



◀ **Societal Norms** Changes in societal values forced the Supreme Court to declare segregated facilities, like these separate drinking fountains for African Americans and whites at a New Orleans food market, unconstitutional.

▼ **The Military** Soldiers of the 93rd Infantry Division, America's first all-African American combat division, march in formation at Fort Huachuca, Arizona, in the summer of 1943. During World War II, most African American soldiers served in segregated units and were not sent into combat.



Evaluating Change
Why must the Supreme Court react to changes in American values?



Landmark Cases

Plessy v. Ferguson

In the 1890s many restaurants, schools, and trains were segregated. In Louisiana, Homer Plessy had attempted to sit in a section of a train marked “For Whites Only.” When he refused to move, Plessy was arrested and convicted of violating Louisiana’s segregation law that required “equal but separate accommodations” based on race. Plessy appealed his conviction to the Supreme Court, which in 1896 upheld the Louisiana law as constitutional in the case of ***Plessy v. Ferguson***.

The Court ruled that the equal protection clause of the Fourteenth Amendment permitted a state to require separate facilities for African Americans as long as those facilities were equal to the facilities available to whites. In reality, the facilities for African Americans were not truly equal, but few whites at the time were concerned about the needs of African Americans. The *Plessy* decision served as a legal justification for racial segregation for the next half-century.

By the 1950s society’s attitudes toward race relations were beginning to change. World War II made it harder to support segregation openly because many African Americans had fought and died for American ideals. In addition, social science research began to document the damaging effects segregation had on African American children. Civil rights groups were demanding an end to racial discrimination.

Overturning Plessy

These social forces helped persuade the Supreme Court to overturn the precedent established in the *Plessy* case. During its 1952 term, in ***Brown v. Board of Education of Topeka***, the Court heard a challenge to its 56-year-old interpretation of the Fourteenth Amendment. In 1954 the Court ruled unanimously that separate-but-equal educational facilities were unconstitutional.

In writing the Court’s opinion, Chief Justice Earl Warren clearly recognized that social change was important in deciding the case. He reviewed the history of American education in the late 1800s. He then added:

“Today, education is perhaps the most important function of state and local governments. . . . In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity . . . is a right which must be made available to all on equal terms.”

—Chief Justice Earl Warren, 1954

Chief Justice Warren declared that separate was inherently unequal, and that it violated the equal protection clause of the Fourteenth Amendment. Times had changed, and so had the Court’s position.



Balancing the Court’s Power



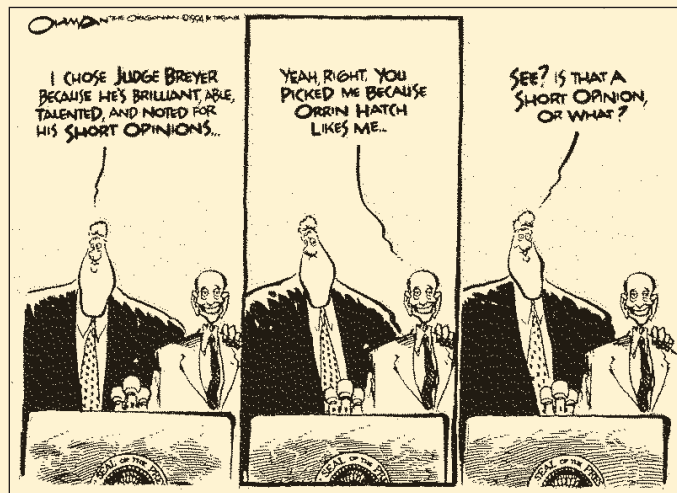
The judicial branch, like the two other branches of the national government, operates within the system of separation of powers and checks and balances. Thus, the powers of Congress and the president affect the Supreme Court’s decisions.

The President’s Influence A president’s most important influence over the Court is the power to appoint justices, with Senate consent. Presidents generally use this appointment power to choose justices who seem likely to bring the Court closer to their own philosophy.

Every full-term president except Jimmy Carter has made at least one Court appointment. President Nixon appointed four justices, including a chief justice, and President Reagan appointed three—all sharing the conservative philosophies of these presidents. The importance of being able to make even a single Court appointment can be decisive when the votes of only one or two justices can swing the direction of Court decisions.

Presidents may also exercise influence with the Court in less formal ways. As head of the executive branch, the president plays a role in enforcing Court decisions. Executive departments and

President’s Appointment Power



An Acceptable Nominee President Clinton appointed Stephen Breyer to the Court in 1994. Breyer enjoyed a reputation as a moderate who had an unusual ability to bring about agreement among his colleagues. Breyer’s moderate views assured his confirmation. **Why do particular groups oppose some nominees?**

agencies must enforce Court decisions in such areas as integration and equal employment opportunity if they are to have any impact. An administration may enforce such Court decisions vigorously or with little enthusiasm, depending on its views on these issues.

The Influence of Congress The system of checks and balances can also be used to try to shape the Court’s decisions. Congress has tried to control the Court’s appellate jurisdiction by limiting the Court’s ability to hear certain cases. In the late 1950s members of Congress, angry over Court decisions regarding subversive activities, unsuccessfully attempted to end the Court’s authority to hear such cases. Congress also can pass laws to try to limit the Court’s options in ordering remedies. By the early 1980s, some members of Congress became frustrated by liberal Court rulings on issues ranging from school busing to abortion. They introduced hundreds of bills to limit the Court’s remedies in such cases.

After the Court has rejected a law, Congress may reenact it in a different form, hoping that

the justices will change their minds. In the 1930s Congress tried to help the nation recover from the Depression by regulating industry. After the Court rejected the National Industrial Recovery Act in 1935, Congress reenacted essentially the same law but limited it to the coal industry. The Court upheld this law in 1937.

Congress also may propose a constitutional amendment to overturn a Court ruling. This strategy has been used successfully several times. For example, in 1793 the Court ruled in *Chisholm v. Georgia*¹ that a citizen of another state could sue a state in federal court. To counter this decision, Congress passed and the states approved the Eleventh Amendment that prohibited such action. In an 1895 case, the Court ruled that a tax on incomes was unconstitutional. The Sixteenth Amendment, ratified in 1913, allowed Congress to levy an income tax.

Another way Congress exercises power over the Court is through its right to set the justices'

salaries. Although Congress cannot reduce the justices' salaries, at times it has shown its anger toward the Court by refusing the justices raises.

Congress also sets the number of justices on the Court. In 1937, when President Franklin D. Roosevelt wanted to add six justices to the Court to change its direction and prevent it from declaring New Deal legislation unconstitutional, even lawmakers from the president's own party rejected the proposal.

Finally, in recent years the Senate has used its confirmation power to shape the Court's position. When the president nominates someone to the Court, the

Senate scrutinizes the nominee's attitudes about sensitive social issues. Two of President George H.W. Bush's appointees, David Souter and Clarence Thomas, were questioned intensely in Senate confirmation hearings about their views on abortion. To avoid this kind of controversy, President Clinton tried to choose nominees who had strong support in the Senate. Judging the nominee's stand on selected issues has given Congress increased power to influence the direction the Court will take in shaping public policy.



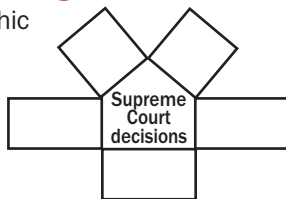
Packing the Court cartoon, 1937

See the following footnoted materials in the *Reference Handbook*:
1. *Chisholm v. Georgia* case summary, page 756.

Section 3 Assessment

Checking for Understanding

- Main Idea** Use a graphic organizer like the one at right to show five forces that shape Supreme Court decisions.
- Define** bloc, swing vote.
- Identify** *Plessy v. Ferguson*, *Brown v. Board of Education of Topeka*.
- What is the basis for Supreme Court decisions?
- How do personal relationships among Supreme Court justices affect decision making?



Critical Thinking

- Making Inferences** Why did the Supreme Court overturn a precedent in deciding the *Brown* case?

Concepts IN ACTION

Public Policy Although the Supreme Court sets policy, its decisions are affected by the powers of Congress and the president. Create a diagram that illustrates how Congress and the president check the powers of the Supreme Court. Display and discuss your diagram.

Skills Technology

Building a Database

A computerized database program can help you organize and manage a large amount of information. Once you enter data in a database table, you can quickly locate a record according to key information.

Learning the Skill

An electronic database is a collection of facts that are stored in a file on the computer. The information is organized into different fields. For example, one field may be the names of your clients. Another field may be the street addresses of your clients.

A database can be organized and reorganized in any way that is useful to you. By using a database management system (DBMS)—special software developed for record keeping—you can easily add, delete, change, or update information. You give commands to the computer telling it what to do with the information, and it follows your commands. When you want to retrieve information, the computer searches through the files, finds the information, and displays it on the screen.

Practicing the Skill

This chapter mentions many landmark Supreme Court cases. Follow these steps to build a database on landmark Supreme Court cases.

1. Determine what facts you want to include in your database and research to collect that information.
2. Follow the instructions in the DBMS that you are using to set up fields. Then enter each item of data in its assigned field. Take as much time as you need to complete this step. Inaccurately placed data is difficult to retrieve.



Supreme Court building

3. Determine how you want to organize the facts in the database—chronologically by the date of the case, or alphabetically by the title of the case.
4. Follow the instructions in your computer program to sort the information in order of importance.
5. Evaluate that all the information in your database is correct. If necessary, add, delete, or change information or fields.

Application Activity

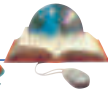
Research and build a database that organizes information on some other aspect of the Supreme Court. For example, you may wish to examine Supreme Court cases that have to do with the Bill of Rights or cases dealing directly with presidential powers. Build your database and explain to a partner why the database is organized the way it is and how it might be used in this class.

Chapter 12

Assessment and Activities

GOVERNMENT

Online



Self-Check Quiz Visit the *United States Government: Democracy in Action* Web site at gov.glencoe.com and click on **Chapter 12—Self-Check Quizzes** to prepare for the chapter test.

Reviewing Key Terms

Match each of the following terms with the description below that correctly identifies it.

amicus curiae, **precedent**, **stare decisis**,
dissenting opinion, **brief**, **majority opinion**,
per curiam opinion, **writ of certiorari**

1. order to lower court for records on a case to be handed up for review
2. lets a decision stand
3. an interested party not directly involved in a case
4. short unsigned statement of Supreme Court's decision

5. earlier decision on similar cases
6. sets forth facts and legal arguments to support one side of a case
7. sets forth reasons for a Supreme Court decision
8. sets forth reasons for disagreeing with a Supreme Court decision

Recalling Facts

1. What happens when the Supreme Court refuses to hear a case?
2. What procedure do the justices follow in reaching a decision in a case?
3. What is the importance of a Supreme Court majority opinion?
4. What is the importance of a dissenting opinion?
5. Why does the Supreme Court sometimes overturn its earlier decisions?

Understanding Concepts

1. **Political Processes** Why does the Supreme Court refuse to hear so many cases?

Chapter Summary

How the Court Shapes Public Policy

- **Judicial review:** Court may decide whether government laws are constitutional
- **Interpreting the meaning of laws:** Court takes the general language used by legislatures when writing law to apply the law to specific situations
- **Overruling or reversing previous Court decisions:** Court may overturn earlier decisions as social values, attitudes, and circumstances change over time

Limits on the Court's Shaping of Public Policy

- **Types of issues:** Court deals mostly with issues regarding civil liberties, the economy, federal legislation, due process of law, and suits against government officials
- **Types of cases:** Court hears only cases that meet certain criteria, such as those in which its decision will make a difference
- **Agenda:** Generally can decide only cases that come to it from elsewhere in the legal system
- **Enforcement power:** Court has limited ability to enforce its rulings

Influences on Supreme Court Decisions

- **Existing laws:** Court interprets and applies laws to individual cases
- **Personal views of the justices:** Political ideology; views on certain issues
- **Justices' interactions with one another:** Ability to work together makes it easier to find common solutions
- **Social forces and public attitudes**
- **Congress and the president:** Judicial branch works as part of the system of checks and balances

CONTENTS

Chapter 12

2. Constitutional Interpretations

Chief Justice Charles Evans Hughes once said, “The Constitution is what the judges say it is.” Explain the meaning of this statement.

Critical Thinking

1. Demonstrating Reasoned Judgment Why are the Supreme Court procedures so rigid?

2. Synthesizing Information In a chart, identify factors that affect how the Supreme Court shapes public policy, and name a major case that illustrates each factor.

How the Court Shapes Policy

Factor	Example

Analyzing Primary Sources

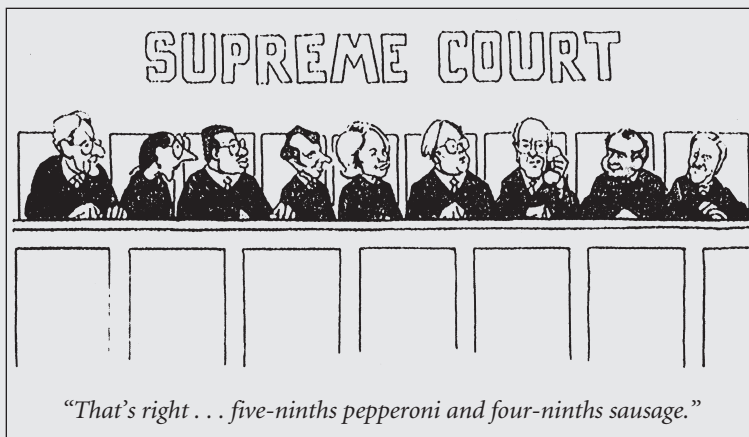
President Harry S Truman established the President’s Committee on Civil Rights in 1946. The committee issued a report on its findings about the state of civil rights and its recommendations for improving their protection. Read the excerpt and then answer the questions that follow.

“[T]he Court has announced a new doctrine that when a law appears to encroach upon a civil right . . . the presumption is that the law is invalid, unless its advocates can show that the interference is justified because of the existence of a ‘clear and present danger’ to the public security. These new developments have resulted in a striking increase in the number of civil rights cases heard by the Supreme Court.

It is not too much to say that during the last 10 years, the disposition of cases of this kind has been as important as any work performed by the Court. As an agency of the federal government, it is now actively engaged in the broad effort to safeguard civil rights.”

1. According to the report, how did the Court’s role in regards to civil rights change during the first years of the civil rights movement?

Interpreting Political Cartoons Activity



- 1.** How does this cartoon characterize Supreme Court decision making?
- 2.** What is the joke being made in this cartoon?
- 3.** Is the nature of the Court—as presented in this cartoon—beneficial to American society? Why or why not?

- 2.** To what do you attribute the increased number of cases heard by the Supreme Court in the late 1940s, when this report was released?

Applying Technology Skills

Using the Internet Search the Internet for a Web site that has information about recent cases heard by the Supreme Court. Choose a case and write a summary of the ruling, the majority opinion, and the dissenting opinion.

Participating in Local Government

As you have learned, public opinion does have some influence on Supreme Court decisions. Survey members of your community about a current case on the Supreme Court’s docket. Chart the responses you receive about the issues in the case.