

The National AIDS Prevention and Control Act is a new, comprehensive federal statute that was enacted to deal with the public health crisis caused by the AIDS virus. Congress and the President were concerned that inconsistent lower court rulings with respect to the constitutionality, interpretation, and application of the statute might adversely affect or delay its enforcement and thereby jeopardize the public health. As a result, they included a provision in the statute providing that all legal challenges concerning those matters may be initiated only by filing suit directly in the United States Supreme Court.

Is the provision authorizing direct review of the constitutionality, interpretation, or application of this statute only in the United States Supreme Court constitutional?

- A. No, because it denies persons who wish to challenge this statute the equal protection of the laws by requiring them to file suit in a court different from that in which persons who wish to challenge other statutes may file suit.
- B. No, because it is inconsistent with the specification in Article III of the original jurisdiction of the United States Supreme Court.
- C. Yes, because Article III provides that the jurisdiction of the United States Supreme Court is subject to such exceptions and such regulations as Congress shall make.
- D. Yes, because it is authorized by the Article I power of Congress to enact all laws that are "necessary and proper" to implement the general welfare.

Explanation:

SCOTUS jurisdiction

Type	Definition	Applicability
Original (Congress cannot adjust)	Case filed directly in SCOTUS	Cases involving either: <ul style="list-style-type: none">• ambassador/public minister/consul <i>or</i>• state as party
Appellate (Congress may limit)	Case filed after decision by either: <ul style="list-style-type: none">• lower federal court <i>or</i>• highest state court	All other cases by either: <ul style="list-style-type: none">• writ of certiorari <i>or</i>• direct appeal (rare)

SCOTUS = Supreme Court of the United States.

Article III gives the **U.S. Supreme Court** (SCOTUS) **original jurisdiction**—ie, the authority to **directly review** a case—in two rare circumstances:

- when a case affects an **ambassador, public minister, or consul** *and*
- when a **state is a party** to the suit.

Congress cannot expand or restrict SCOTUS's original jurisdiction beyond Article III's specifications (**Choice C**). Since the statutory provision attempts to do so by authorizing SCOTUS to directly review challenges to the National AIDS Prevention and Control Act, it is unconstitutional.

(Choice A) This provision implicates the **equal protection** component of the Fifth Amendment because it treats persons challenging this statute differently than persons challenging other statutes. But since the provision does not substantially impact a fundamental right or protected class, it likely does not violate this component.

(Choice D) Article I allows Congress to enact laws that are "necessary and proper" (ie, reasonably appropriate) to carry out its **enumerated powers**—including the power to spend for the public's general welfare. But when doing so, it cannot violate other constitutional provisions (eg, Article III—as seen here).

Educational objective:

Article III gives the U.S. Supreme Court original jurisdiction over cases (1) that affect an ambassador, public minister, or consul *or* (2) in which a state is a party. And Congress cannot alter SCOTUS's original jurisdiction.

References

- Marbury v. Madison, 5 U.S. 137, 174–76 (1803) (holding that Congress cannot alter the Supreme Court's original jurisdiction).
- 32 Am. Jur. 2d Federal Courts § 453 (2019) (defining original and appellate jurisdiction).

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