Assume that Congress passed and the President signed the following statute: "The appellate jurisdiction of the United States Supreme Court shall not extend to any case involving the constitutionality of any state statute limiting the circumstances in which a person may obtain contraception, or involving the constitutionality of this statute."

What is the strongest argument against the constitutionality of this statute?

- A. Congress may not exercise its authority over the appellate jurisdiction of the Supreme Court in a way that seriously interferes with the establishment of a supreme and uniform body of federal constitutional law.
- B. Congress may only regulate the appellate jurisdiction of the Supreme Court over cases initially arising in federal courts.
- C. The appellate jurisdiction of the Supreme Court may only be altered by constitutional amendment.
- D. The statute violates the equal protection clause of the Fourteenth Amendment.

Explanation:

Most cases come before the **U.S. Supreme Court** (SCOTUS) through its **appellate jurisdiction**. This allows SCOTUS to review certain cases that have been decided by a lower federal court or a state's highest court. Article III grants **Congress** the power to **regulate and make exceptions** to SCOTUS's appellate jurisdiction. But when exercising this almost unlimited power, Congress **cannot violate**:

- the separation-of-powers doctrine—eg, usurping judicial power to decide cases—
- **other constitutional provisions**—eg, giving only men the right to appeal, in violation of the equal protection component of the Fifth Amendment.

Here, the federal statute denies SCOTUS appellate jurisdiction over any case involving the constitutionality of a state statute limiting access to contraception. As a result, the federal statute may violate the separation-of-powers doctrine since it could usurp SCOTUS's power to establish a supreme and uniform body of federal constitutional law on this issue. Therefore, this is the strongest argument against the constitutionality of the federal statute.

(Choices B & C) Since Article III of the Constitution gives Congress the power to limit SCOTUS's appellate jurisdiction over cases initially arising in *federal* or *state* court, no constitutional amendment is required.

(Choice D) The Fourteenth Amendment equal protection clause applies when *states* treat similarly situated persons differently. But since the challenged statute was enacted by the *federal* government, this clause does not apply.

Educational objective:

Article III grants Congress the power to regulate and limit SCOTUS's appellate jurisdiction. But when exercising this power, Congress cannot violate the separation-of-powers doctrine or other constitutional provisions.

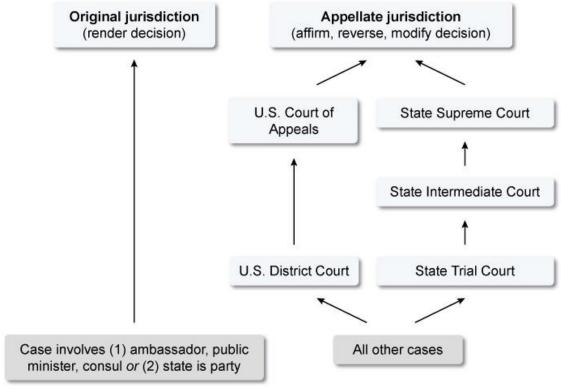
References

• United States v. Klein, 80 U.S. 128, 147–48 (1871) (establishing that Congress cannot alter the Supreme Court's appellate jurisdiction if it would violate the separation-of-powers doctrine).

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Jurisdiction of United States Supreme Court





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