

Congress passed a statute providing that parties could no longer seek review in the U.S. Supreme Court of final judgments in criminal matters made by the highest court in each state.

What is the best argument supporting the constitutionality of the statute?

- A. Congress has the power to make exceptions to the appellate jurisdiction of the Supreme Court.
- B. Criminal matters are traditionally governed by state law.
- C. The proper means of federal judicial review of state criminal matters is by habeas corpus.
- D. The review of state court judgments is not within the original jurisdiction of the Supreme Court.

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.

The **U.S. Supreme Court** (SCOTUS) has **appellate jurisdiction** to review a final judgment of lower federal courts and the highest state courts when the judgment turns on federal law. But the Article III **exceptions clause** gives **Congress almost unlimited power to regulate or make exceptions** to this jurisdiction. Therefore, that is the best argument supporting the constitutionality of the statute prohibiting SCOTUS from reviewing final judgments in criminal matters made by the highest court in each state.

(Choice B) Although criminal matters are traditionally governed by state law, SCOTUS can review final judgments in state criminal cases involving an alleged violation of the Constitution, a federal law, or a treaty.

(Choice C) A person in custody can file a petition for a writ of habeas corpus in federal court to challenge the legality of his/her detention. But a habeas corpus petition is a separate civil suit—not part of the criminal appeals process. So, the better argument is that Congress can make exceptions to SCOTUS's appellate jurisdiction.

(Choice D) The review of state court judgments is not within SCOTUS's very limited *original* jurisdiction (ie, power to hear a case first and render a decision). But it is within SCOTUS's *appellate* jurisdiction.

Educational objective:

The U.S. Supreme Court's appellate jurisdiction extends to final judgments of lower federal courts and the highest state courts when the judgment turns on federal law. But the Article III exceptions clause gives Congress extensive power to regulate and make exceptions to this jurisdiction.

References

- Ex parte McCardle, 74 U.S. 506, 514 (1869) (establishing that Congress has almost unlimited power to make exceptions to the Supreme Court's appellate jurisdiction).

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