

Congress recently enacted a statute that provides the US Supreme Court with original jurisdiction over any cause of action against a military officer for official misconduct. The stated intent of the statute is to ensure the prompt disposition of such actions by eliminating the need for appeals.

Is the statute constitutional?

- A. No, because Article II authorizes the President as commander in chief of the armed forces to sanction military misconduct.
- B. No, because Article III fixes the Supreme Court's original jurisdiction.
- C. Yes, because Article I vests in Congress the power to establish military tribunals.
- D. Yes, because Congress has the authority under Article III to define the Supreme Court's original jurisdiction.

Incorrect

Correct answer B

Collecting Statistics

03 mins, 27 secsTime Spent

2023Version

Explanation:

SCOTUS jurisdiction

| Type | Definition | Applicability |
|---|---|---|
| Original (Congress cannot adjust) | Case filed directly in SCOTUS | Cases involving either: ambassador/public minister/consul <i>or</i> state as party |
| Appellate (Congress may limit) | Case filed after decision by either: lower federal court <i>or</i> highest state court | All other cases by either: writ of certiorari <i>or</i> direct appeal (rare) |

SCOTUS = Supreme Court of the United States.

Original jurisdiction is a court's power to hear and decide a case before any appellate review. Article III fixes the cases over which the **U.S. Supreme Court** (SCOTUS) has **original jurisdiction** to those:

affecting **ambassadors, public ministers, or consuls** *or* in which a **state is a party**.

And though Congress has the power to limit SCOTUS's **appellate jurisdiction**, **Congress cannot expand or restrict** SCOTUS's *original* jurisdiction beyond Article III's specifications **(Choice D)**.

Here, the congressional statute provides SCOTUS with original jurisdiction over any cause of action against a military officer for official misconduct. Since the statute expands SCOTUS's original jurisdiction beyond the categories of cases fixed by Article III, the statute is unconstitutional

(Choice A) Although the President is the commander in chief of the armed forces, **Article I, Section 8** grants *Congress* the power to regulate the armed forces, including the power to sanction military misconduct.

(Choice C) Article I vests Congress with the power to establish military courts and tribunals. But this power does not permit Congress to limit or expand SCOTUS's original jurisdiction, which is defined by Article III.

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. Congress cannot expand or restrict this jurisdiction.

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