

## APGoPo Unit 6

# FACTORS THAT INFLUENCE SUPREME COURT DECISIONS

## PRECEDENT

### **Stare Decisis**

- *Stare decisis* is a Latin phrase meaning "let the decision stand"
- The vast majority of SC decisions are based on precedents established in earlier cases
- Precedents help make SC decisions more uniform, predictable, and efficient

### **Examples**

- In *Marbury v. Madison*, the Court established the principle of judicial review as applied to Congress and the president
  - In another case, the Court extended the power of judicial review to overrule state courts
- In *Baker v. Carr*, the SC established the principle of one person, one vote in state congressional districts
  - In *Wesberry v. Sanders*, the Court applied this principle to U.S. congressional districts

### **Exceptions**

- Although precedent is very important, the Court can overturn previous decisions
  - *Plessy v. Ferguson* permitted segregation if the facilities were "separate but equal"
  - The Court reversed this ruling in *Brown v. Board of Education of Topeka*, declaring that "segregation is a denial of a the equal protection of the laws"

## JUDICIAL PHILOSOPHY

### **Judicial Restraint**

- Philosophy that the courts should allow the states and the other two branches (Leg and Exec) of the federal government to solve social, economic, and political problems
- Courts should merely interpret the law rather than make law. That's Congress' job.
- Original intent suggests that courts should follow the intentions of the Founding Fathers

### **Judicial Activism**

- Philosophy of judges to interpret the Constitution according to their own views and take an active role in solving society's problems
- Idea that judges ought to freely strike down laws that are inconsistent with their understanding of the Constitution
- Courts should uphold the "guardian ethic" (guardian of people)
- Examples of judicial activism:
  - Striking down Topeka School Board's policy of segregation in *Brown v. Board* (1954)
  - Striking down a Texas law that banned flag burning in *Texas v. Johnson* (1989)
  - Striking down the Gun Free School Zones Act in *US v. Lopez* (1995)
  - Striking down line item veto in *Clinton v. NY* (1998)
  - Striking down a DC city ordinance banning handguns in *DC v. Heller* (2008)

### **Public Opinion**

- The Constitution insulated SC justices from direct political pressures
  - Justices are appointed to serve life terms subject only to good behavior
  - The *certiorari* process enables the SC to set its own agenda
  - The public has limited access to Court proceedings
- The Supreme Court is nonetheless aware of and sensitive to public opinion
  - The appointment and confirmation processes keep the SC from deviating too far from public opinion
  - Congress and the state legislatures can amend the Constitution
  - Congress can change the SC's appellate jurisdiction
  - Congress has the power to change the number of justices on the Court
  - Justices can be impeached