

Unit II: The United States Constitution

Article III: The Judicial Branch

-The Supreme Court

-Key Terms

-Recent Rulings

Key Terms

- ▶ **Writ of Certiorari** - orders a lower court to deliver its record in a case so that the higher court may review it. Justices vote on whether or not they should be discussed in Supreme Court.
 - ▶ Literal translation: “To be more informed”
- ▶ **Appellate jurisdiction** - the power of a court to review decisions and change outcomes of decisions of lower courts.
- ▶ **Associate Justice** - Member of Supreme Court
- ▶ **Chief Justice** - Vote counts the same as an associate judge. They have more responsibilities.
 - ▶ Creates annual State of Supreme Court write-up
 - ▶ May write or appoint person to draft decisions
 - ▶ Head justice at impeachment trials

Article III: Section 1 - Members

- ▶ The **judicial power of the United States, shall be vested in one Supreme Court**, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall **hold their offices during good behaviour**, and shall, at stated times, receive for their services, a **compensation, which shall not be diminished** during their continuance in office.

Section 1: Interpretation

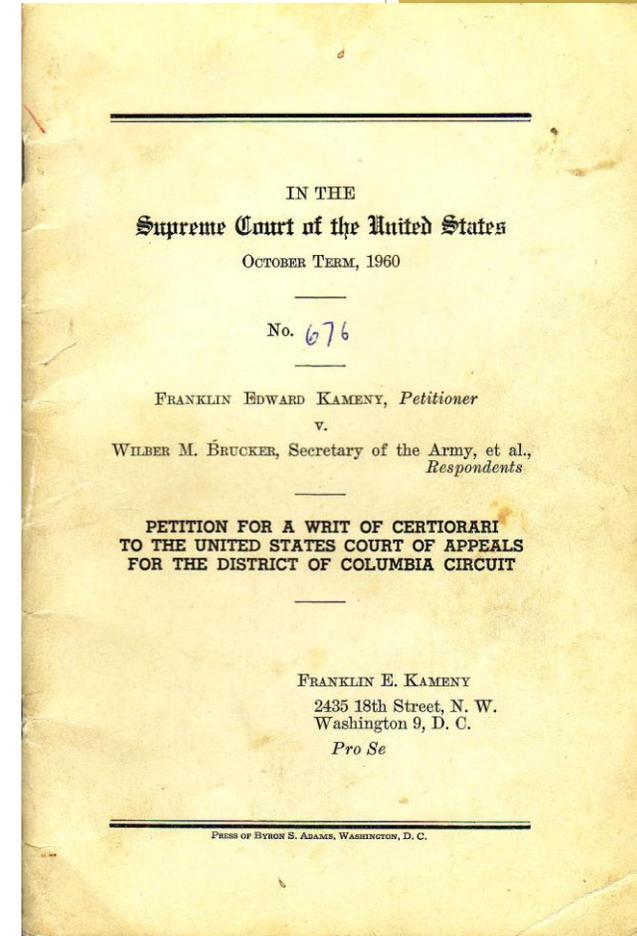
- ▶ The Supreme Court is the highest court in the United States
- ▶ Congress may establish lower courts and number of justices
 - ▶ The number and functions has changed over time
- ▶ Justices have a lifetime appointment
 - ▶ Minimizes “politics” allowing justices to judge without interference
 - ▶ May be impeached for serious crimes or be removed for health reasons
 - ▶ Congress cannot lower salary
 - ▶ Eliminates congress “revenge” for specific rulings
 - ▶ Justices may retire
 - ▶ Associate Justice \$244,400/yr & \$255,500/yr Chief Justice

Article III: Section 2 - Function

- ▶ The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the **Laws of the United States**, and **Treaties** made, or which shall be made, under their Authority;—to **all Cases affecting Ambassadors, other public Ministers and Consuls**;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to **Controversies between two or more States**;—[between a State and Citizens of another State;-] **between citizens of different States**;—**between Citizens of the same State** claiming Lands under Grants of different States [and between a State, or the Citizens thereof;— and foreign States, Citizens or Subjects.]

Section 2: Interpretation

- ▶ The Supreme Court may rule on:
 - ▶ Interpretations of the Constitution
 - ▶ State v. State conflicts
 - ▶ Treaties between the US and other nations
 - ▶ Laws passed by Congress
 - ▶ State v. Federal Government
 - ▶ Citizens v. State/Federal Government
- ▶ ***The Supreme Court may **choose** to review certain cases
 - ▶ Most begin in district courts



Article III: Section 3 - Treason

- ▶ Treason against the United States, shall consist only in **levying War against them, or in adhering to their Enemies, giving them Aid and Comfort**. No person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.
- ▶ The Congress shall have Power to declare the Punishment of Treason, but **no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted**

Section 3: Interpretation

- ▶ **Treason** is the *only* crime defined in the Constitution
- ▶ Voicing opinion against U.S. war involvement is not treason
- ▶ Congress may only punish individuals found guilty, not their families/friends

▶ THINGS TO CONSIDER

- ▶ Should Eric Snowden be found guilty of treason?
- ▶ Should the United States convict any person who provides assistance to Julian Assange?
- ▶ How should Freedom of Speech be interpreted if national security is at risk?

How to Get There:

- ▶ Appeals - 95% of cases are appeals
 - ▶ When either party in a legal case is unhappy with the outcome they may appeal
 - ▶ Appeals may be presented orally or addressed in a brief
- ▶ **Appellate Jurisdiction**
- ▶ **ALL CASES SHOULD HAVE:**
 - ▶ Merit of Case - Constitutional Questions or a dispute between state/federal courts
 - ▶ A **writ of certiorari**
- ▶ Cases then go to a “conference” or “hearing”

Making the Decision

- ▶ After hearings, justices have no set time and meet in a closed conference
- ▶ Two opinions are released to the press
 - ▶ Majority opinion - **concurring**
 - ▶ Minority opinion - **dissenting**
- ▶ Opinions are explanations written by the chief justice or one that is asked to do so.
 - ▶ Many times their clerks write the opinion
 - ▶ Opinions are then sent out for approval before release

Cite as: 555 U. S. ____ (2009)

1

Opinion of the Court

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

No. 07–512

PACIFIC BELL TELEPHONE COMPANY, DBA AT&T
CALIFORNIA, ET AL., PETITIONERS *v.* LINKLINE
COMMUNICATIONS, INC., ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT

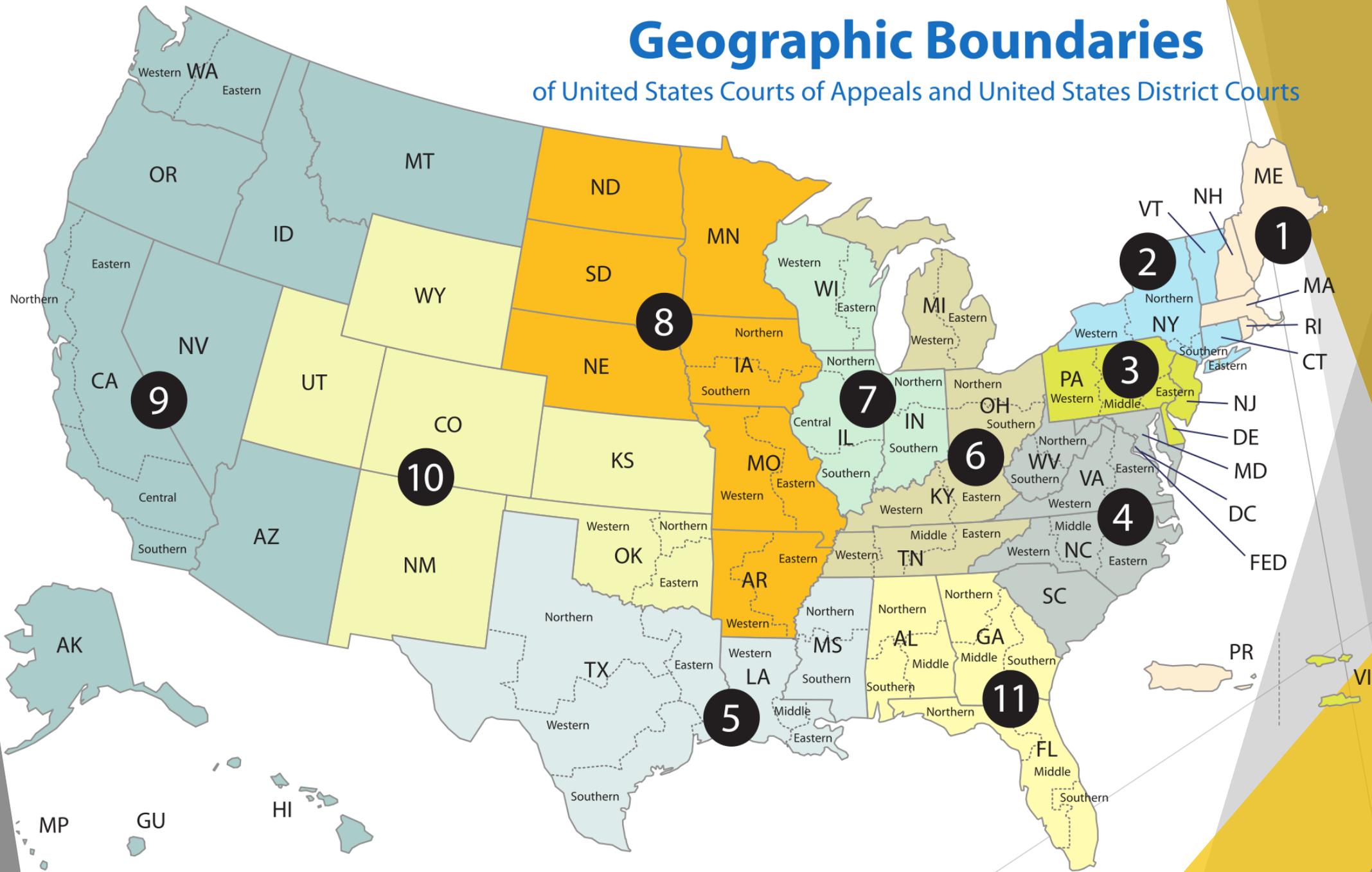
[February 25, 2009]

CHIEF JUSTICE ROBERTS delivered the opinion of the Court.

The plaintiffs in this case, respondents here, allege that a competitor subjected them to a “price squeeze” in violation of §2 of the Sherman Act. They assert that such a claim can arise when a vertically integrated firm sells inputs at wholesale and also sells finished goods or services at retail. If that firm has power in the wholesale market, it can simultaneously raise the wholesale price of inputs and cut the retail price of the finished good. This will have the effect of “squeezing” the profit margins of

Geographic Boundaries

of United States Courts of Appeals and United States District Courts



UNITED STATES SUPREME COURT

Can choose to hear appeals from federal and state courts. It must hear cases in its original jurisdiction and certain rare appeals.

HIGHEST STATE COURT

Hears appeals from lower state courts

STATE APPEALS COURTS

Reviews cases from trial courts.

STATE TRIAL COURTS

States try their civil and criminal cases in these courts

12 COURT OF APPEALS

Review cases from nearby district courts.

94 US DISTRICT COURTS

Review cases from nearby district courts.

US COURT OF APPEALS FOR THE FEDERAL CIRCUIT

Reviews small claims against the US gov't. Also reviews cases that deal with patents, foreign trade, and veterans' affairs

US CLAIMS COURTS

Tries cases that involve sums over \$10,000

US COURT OF INTERNATIONAL TRADE

Most cases deal with US imports

What could happen next

1.



Ruling by U.S. District Judge Robert Shelby, Dec. 20, 2013

2.



Appealed to 10th Circuit Court three-judge panel, which ruled June 25, 2014

3.

Attorneys for Utah could ask for review by:

- full 10th Circuit Court (12 judges)

OR

- U.S. Supreme Court

4.

Losing party can request review by U.S. Supreme Court.



5.

Earliest Supreme Court review would be the October 2014 to June 2015 term



Kitchen v. Hebert (2013) - Banning same-sex marriage was ruled unconstitutional pending a Supreme Court hearing

SUPREME COURT JUSTICES

- ▶ 1-John Roberts
- ▶ 2-Antonin Scalia
- ▶ 3-Anthony Kennedy
- ▶ 4-Clarence Thomas
- ▶ 5-Ruth Bader Ginsburg
- ▶ 6-Stephen Breyer
- ▶ 7-Samuel Alito Jr.
- ▶ 8-Sonia Sotomayor
- ▶ 9-Elena Kagan

GROUP POSTERS!

- 1-Name of Justice
- 2-Date of Birth / Age
- 3-Nominated by what President?
Any controversy over appointment?
- 4-Home state
- 5-Previous judicial experience
- 6-Liberal, Conservative, etc?
- 7-How did your justice vote in the recent *Burwell v. Hobby Lobby* case? Dissenting or concurring?
- 8-How do you think their background and personality could affect their decisions?
- 9-Any other facts

John Roberts

- ▶ Served since 2005
- ▶ Nominated by George Bush
- ▶ Conservative views
- ▶ Originally intended to be an associated justice but filled in as chief after death of William Rehnquist
- ▶ Born in NY but grew up in Indiana
- ▶ Worked in US Court of Appeals since 2003
- ▶ Graduate of Harvard Law
- ▶ Concurred in *Burwell vs. Hobby Lobby*

