Seventh Grade Civics

Chapter Eight Section Four

Deciding Cases at the Supreme Court

How Cases Reach the Court

The Supreme Court decides the issues that affect all Americans. It conducts its business each year from October until the following June or July. Each month during this time, the justices spend two weeks listening to oral arguments on cases and then two weeks in recess. During recess the justices write opinions and study new cases. During the summer break they study applications for review, write opinions, and catch up on other legal work.

The Supreme Court is both a trial court and an appeals court. Two kinds of disputes have their original trials there: cases involving representatives of foreign governments and certain cases in which a state is a party.

Most cases, however, are appeals from a lower federal court or a state court. A person can ask the Court to review a lower court’s decision. In addition, a lower court may sometimes ask the Court to make a ruling because it is not sure how to apply the law to a case.

Acceptance

From the many cases submitted to them, the justices make a list of cases they want to discuss more carefully. Once a week they meet to pick from this list the cases the Court will actually review. The Court will accept a case if four of the nine justices agree to do so. Accepted cases go on the Court ***docket***, or calendar.

Each year the Court gets more than 7,000 applications. Of these, it selects fewer than 200 cases to hear. The Court can review just about any kind of case. Usually the justices take cases that involve important constitutional issues, such as freedom of speech, equal protection of the laws, or civil liberties. They also tend to select cases that involve legal, rather than political issues, as well as those that affect the entire country rather than just the individuals or groups directly involved.

Steps in Decision Making

Every case the Supreme Court accepts goes through a series of steps: written arguments, oral arguments, conference, opinion writing, and announcement.

Written Arguments

Once the Court takes a case, the lawyers for each side prepare a ***brief***. This is a written document that explains one side’s position on the case. The justices then study the briefs.

Oral Arguments

Next, lawyers for each side present oral arguments. Each side gets only 30 minutes to summarize its case. The justices often ask the lawyers very tough questions about the case.

Conference

On Fridays the justices get together to make their first decisions about the cases they have been studying. These meetings take place in secret; no audience is present and no meeting minutes are kept. The chief justice presides over the discussion of the case. A majority-at least five votes, when all nine justices are participating-decides a case. At least six justices must be present for a decision.

Opinion Writing

Once the Court has reached a decision on a case, one justice gets the job of writing the majority opinion. A ***majority opinion*** presents the views of the majority of the justices on a case. The opinion states the facts of the case, announces the ruling, and explains the Court’s reasoning in reaching the decision. Written opinions are very important. They set a precedent for lower courts to follow in future cases, and they also communicate the Court’s view to Congress, the president, interest groups, and the public. This is also an important step because there is still time for justices to change their minds. An opinion may influence a justice to change his or her vote.

Besides the majority opinion, the Court may issue four other types of opinions. In a unanimous opinion, all the justices vote the same way. A justice who disagrees with the majority’s decision may write a ***dissenting opinion***. Sometimes two, three, or even four justices write their own dissenting opinions. A justice who votes with the majority, but for different reasons, may write a ***concurring opinion.***

Announcement

When the opinion writing is completed, the Court announces its decision. Printed copies of the opinion go to waiting news reporters, and the opinion go to waiting news reporters, and the opinion is placed on the Court’s Web site. The Supreme Court and other courts around the country use the written opinions to guide their decisions regarding new cases.

Reasons for Court Decisions

Many factors, such as precedents, the social atmosphere in the country, and the justice’s own legal and personal views, influence justices when they decide a case that comes before the Court.

The Law

The law is supposed to be the most important influence on a justice’s decisions. A guiding principle for all judges is called ***stare decisis***, a Latin term, which means “let the decision stand.” By following precedent, courts make the law predictable.

At the same time, the law needs to be flexible to adapt to changing times. Social conditions, public attitudes, and technology change over the years. As the highest court in the land, the Supreme Court is in a position to overrule outdated precedents.

The Supreme Court sometimes reviews a case to clarify the meaning of the Constitution for an important issue. This happened with disputes over manually recounting the Florida ballots in the presidential election of 2000. The dispute led the Court to address a question involving the Fourteenth Amendment: did all recounted votes have to be treated equally? In *Bush v. Gore (2000),* the Court ordered the recount to stop. This decision ensured that George W. Bush would receive Florida’s electoral votes and win the election.

Social Conditions

Although the Supreme Court is somewhat protected from public and political pressures, the social situation can also influence Court decisions. When social conditions change, the Court may make new interpretations of the law.

In the 1890s, many restaurants schools, and trains assigned separate areas for whites and African Americans. In Louisiana, Homer Plessy, an African American, decided to sit in a section of a train marked “For Whites Only.” Plessy was convicted of violating Louisiana’s segregation law. The Supreme Court upheld the Louisiana law as constitutional in *Plessy v. Ferguson.* The Court ruled that the equal protection clause of the Fourteenth Amendment permitted “separate but equal” facilities for whites and African Americans.

However, by the 1950s, society’s views on racial segregation were beginning to change. In 1954, in the case of *Brown v. Board of Education of Topeka, Kansas,* the Court overturned the precedent of “separate but equal.” The justices ruled that racially separate schools are unequal simply because they are separate. The unanimous opinion of the Court found that segregation was a violation of the equal protection clause of the Fourteenth Amendment.

Legal Views

Justices have varying views of the law and the proper role of the courts in our society. Some justices, for example, believe that the Court should be very active and hear many different kinds of cases. Others believe that the Court should hesitate to use the power of judicial review to promote new ideas or policies.

Personal Beliefs

Finally, justices are human beings. Each sees the world based on his or her own life experiences. Most of the Supreme Court justices during the early 1800s were slaveowners. The first Chief Justice, John Jay owned slaves and the chief justice presiding of the Dred Scott case, Roger Taney, was a slave owner as well. It’s no wonder that some of the decisions made by the Court at that time were of the opinion that they were. Justice Benjamin Cardozo once said, “We may try to see things as objectively as we please. Nonetheless, we can never see them with any eyes accept our own.”