LESSON 16

Federal Courts

LESSON ASSIGNMENTS

Pay very close attention when watching the video program. Review the video objectives and be prepared to record possible answers in abbreviated form, as you view the video. The titles and numbers of the textbook chapters may differ from the video program. Keep in mind that the video program examines contemporary examples to illustrate your government in action. An attempt is made to show how you can participate in the political arena and bring about changes in the political process.

Video:

"Federal Courts," from the series, *Voices in Democracy: United States Government.*

Activities:

One or more activities may be assigned to this lesson. Refer to your syllabus.

OVERVIEW

This lesson examines the United States judiciary system and its role in U.S. politics. First, we trace the development of one of the courts' most significant powers, judicial review, and then evaluate the opposing viewpoints on this power. Next, we examine the three most recent Supreme Court chief justices and the decisions made under their leadership. These courts and their ideological outputs are compared and evaluated. The Rehnquist Court's decisions in *Bush vs. Vera* and *Romer vs. Evans* are examined to determine the philosophical and political stands of its members. The process of Supreme Court nomination is also examined in both a historical context and more recent nominations. We discuss the ways in which Congress and the president may attempt to limit the Court's influence. Additionally, the Supreme Court's internal processes are described. And finally, the structure and process of the federal and state courts are described and contrasted. Overall, this study provides you with an overview of the judicial process as well as insights that may help you to evaluate the role of the courts in the political process and in U.S. policymaking.

LESSON GOAL

Explain the U.S. Supreme Court as an institution delineated by politics, the personalities and philosophies of individual judges and how the Court affects the concerns and attitudes of the times.

VIDEO OBJECTIVES

The following objectives are designed to assist you in identifying the most significant aspects of the video segment of this lesson. You should take succinct notes while viewing the video.

1. Describe the conflicted nature of the U.S. Supreme Court over time as it attempts to to be judicial body, but in fact is a political institution.

2. Explain how the U.S. Supreme Court, as an institution, might be influenced by politics.

3. Analyze the personalities and philosophies of individual judges and how the Court affects and reflects the concerns and attitudes of the times.

4. Describe the composition of the current U.S. Supreme Court and the members' philosophical differences which may contribute to and reflect wider political changes taking place in the United States.

5. Discuss the philosophical differences between different members of the U.S. Supreme Court as demonstrated in *Romer vs. Evans* and *Bush vs. Vera.*

WEB ACTIVITIES

These activities are not required unless your teacher assigns them. They are offered as suggestions to help you learn more about the material presented in this lesson.

Visit http://court.it-services.nwu.edu/oyez/. This is a multimedia database about the United States Supreme Court.

Click on "Justices" and choose two current Supreme Court Judges to determine their background.

Examine their votes and opinions (if available) to determine if you think their vote is consistent with their background.

After you have researched the background of the judges, click on "Case Participation" on the left hand side of the screen to determine if the judges you have chosen have participated in the cases, *Bush vs. Vera* and *Romer vs. Evans*. If the judges you have chosen have not participated in the preceding cases, select two cases in which you are particularly interested.

Write an essay explaining your analysis of these two current judges and their opinions.

PRACTICE TEST

After watching the video and reviewing the objectives, you should be able to complete the following Practice Test. When you have completed the Practice Test, turn to the Answer key to score your answers.

MULTIPLE-CHOICE

Select the single best answer.

1. The political environment of the Supreme Court affects decisions in different ways, such as…
   A. the general social climate of the times
   B. specific political pressures creating intolerable conflict
   C. the desire to retreat to very early decisions of the court
   D. both A and B

2. After appointment to the bench, which of the following actions is NOT true of Supreme Court justices?
   A. They are largely protected from political obligations.
   B. They may vote however they see fit.
   C. They may receive donations for renomination.
   D. They are not always predictable.

3. The Supreme Court decision in *Bush vs. Vera* affected not only the candidates, but also the…
   A. voters
   B. contributors
   C. state legislators
   D. political party leaders

4. In *Romer vs. Evans*, Justice Kennedy stated that Colorado's Amendment 2 violates the U.S. Constitution's…
   A. Separation of Powers Clause
   B. Due Process Clause
   C. Equal Protection Clause
   D. Civil Liberties Clause

ESSAY/PROBLEM QUESTIONS

5. Do you support or oppose the lifetime term of Supreme Court justices? Why? Explain the role of presidential appointments and the president's future influence on decisions of the court.

6. If you were a Supreme Court justice, how would you have voted in *Bush vs. Vera*? Explain your reaction.

7. What is your reaction to the Supreme Court's decision in Colorado's case of *Romer vs. Evans*? Explain your reaction.

ANSWER KEY

The following provides the answers and references for the practice test questions. Video objectives are referenced using the following abbreviation: V=Video Objectives.

1. D   Ref: V 1   (Video)
2. C   Ref: V 2   (Video)
3. A   Ref: V 3   (Video)
4. C   Ref: V 4   (Video)
5.   Ref: V 2   (Video)
6.   Ref: V 3   (Video)
7.   Ref: V 4   (Video)