

American Government & Politics: A Christian Worldview.
Let's Fix the Supreme Court (15–20 Minutes)

TEACHER INSTRUCTIONS

Goal

Students read four historical quotes criticizing the U.S. Supreme Court, review its characteristics as defined by the Constitution, and brainstorm improvements.

Instructions

1. Have students complete the handout, then discuss in pairs or groups of three (give students 8–10 minutes to complete this part, maybe longer if they're having lively discussions!).
2. Review the answers together.

Key

1. Write a brief sentence that sums up the overall criticism of the U.S. Supreme Court as expressed by the above observations by those American statesmen.

AWV, but students should notice that many U.S. statesmen throughout history have looked unfavorably upon the U.S. Supreme Court, saying it was unaccountable and prone to grab power for itself and see itself as Lord and Master of the government.

2. List the pros and cons of each characteristic of the U.S. Supreme Court listed below:

- They are appointed by the President, not elected. **Pros/Cons/Improvement:**

AWV, but for pro, being appointed represents a function of a republic, in which elected representatives (like the President) make decisions, and national elections of U.S. Supreme Court justices might turn into a popularity contest (keep in mind how many founders recognized how dangerous democracy/majority rule was/is). A con might be that a U.S. Supreme Court justice has a similar “interpretation” of the Constitution that the President who appointed him has (bias), and that justice might feel obligated to rule a certain way on cases to make that President happy who appointed him.

- They must be approved by a majority of the Senate. **Pros/Cons/Improvement:**

AWV, but for pro, at least all appointees aren't automatic, which could be seen as giving the President too much power/influence. A con might be that the Senate refuses to approve a good justice simply because it is dominated by a rival political party to the President.

- They serve life terms, as long as they practice “good behavior.” **Pros/Cons/Improvement:**

AWV, but a pro might be stability and the absence of being removed just because a new President is elected. A con might be the human nature of justices to believe they are beyond accountability, not having been elected, and the tendency to rule unjustly because of this.

- They can only be removed by being impeached and found guilty. **Pros/Cons/Improvement:**

AWV, but similar to the previous one, they aren't subject to regular assessments/elections, like nearly all other public officials, which tends to puff up humans into thinking that they are above accountability.

American Government & Politics: A Christian Worldview: Let's Fix the Supreme Court

Read the following historical quotes by American statesmen on the U.S. Supreme Court:

"The original error [was] establishing a judiciary independent of the nation... which can... control and fashion [the other branches'] proceedings to its own will." (Thomas Jefferson, 1807)

"The tendency of the doctrine of the Supreme Court is to consolidate all power in the general government." (Spencer Roane, Virginia judge and delegate, 1821)

"The Supreme Court has set itself up as a super-government." (Robert M. La Follette, U.S. senator, 1924)

"Nowhere in the Constitution is the Supreme Court granted a monopoly on constitutional interpretation." (Ron Paul, U.S. representative, 2000)

Now, discuss and answer the below questions in pairs/groups:

1. Write a brief sentence that sums up the overall criticism of the U.S. Supreme Court as expressed by the above observations by those American statesmen.
2. List the pros and cons of each characteristic of the U.S. Supreme Court listed below, and how each could be improved:
 - They are appointed by the President, not elected. **Pros/Cons/Improvement:**
 - They must be approved by a majority of the Senate. **Pros/Cons/Improvement:**
 - They serve life terms, as long as they practice "good behavior." **Pros/Cons/Improvement:**
 - They can only be removed by being impeached and found guilty. **Pros/Cons/Improvement:**

