



The Role of the Supreme Court in American Politics: The Least Dangerous Branch?

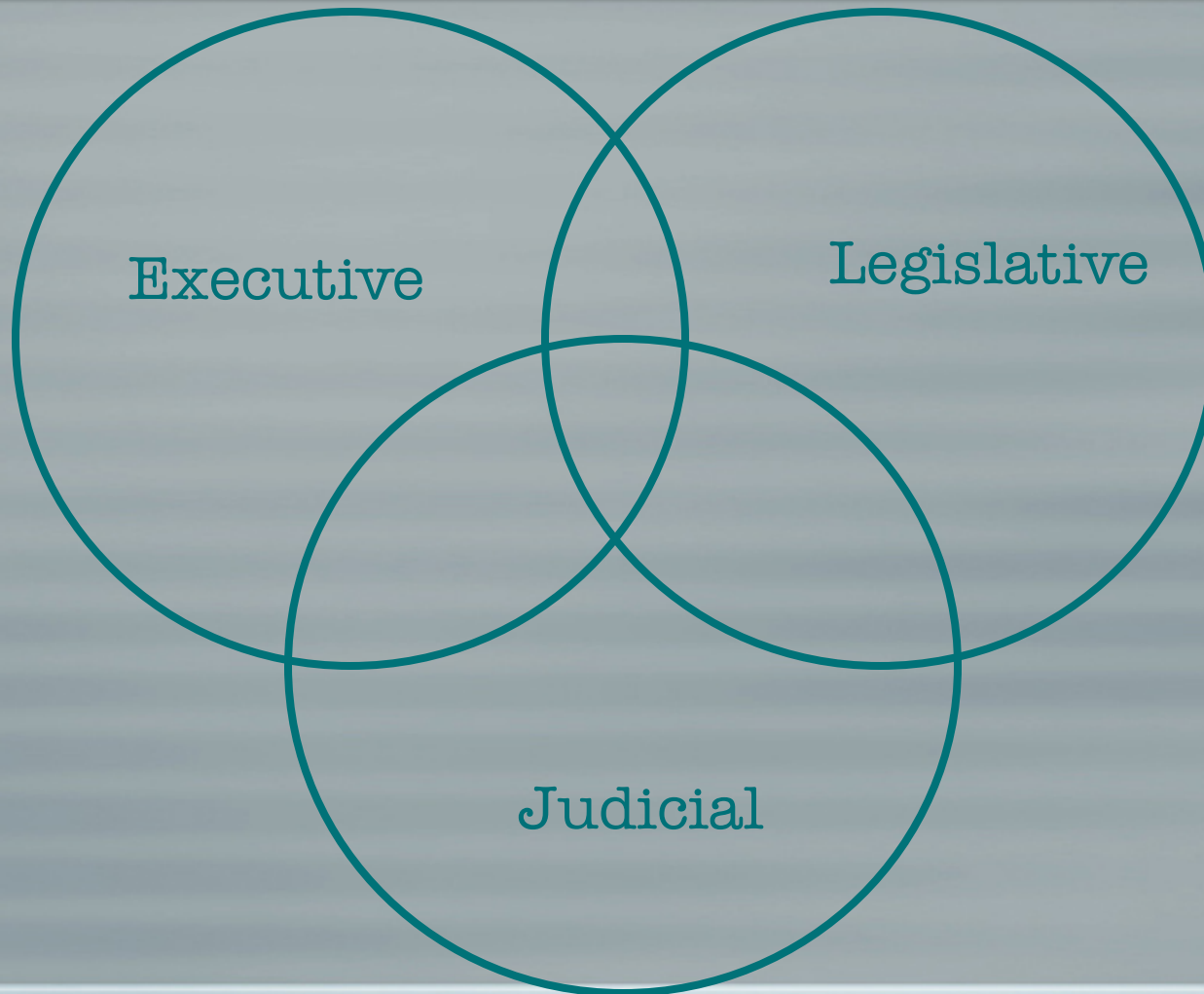
Monika Villanueva
September 12, 2007

Topics

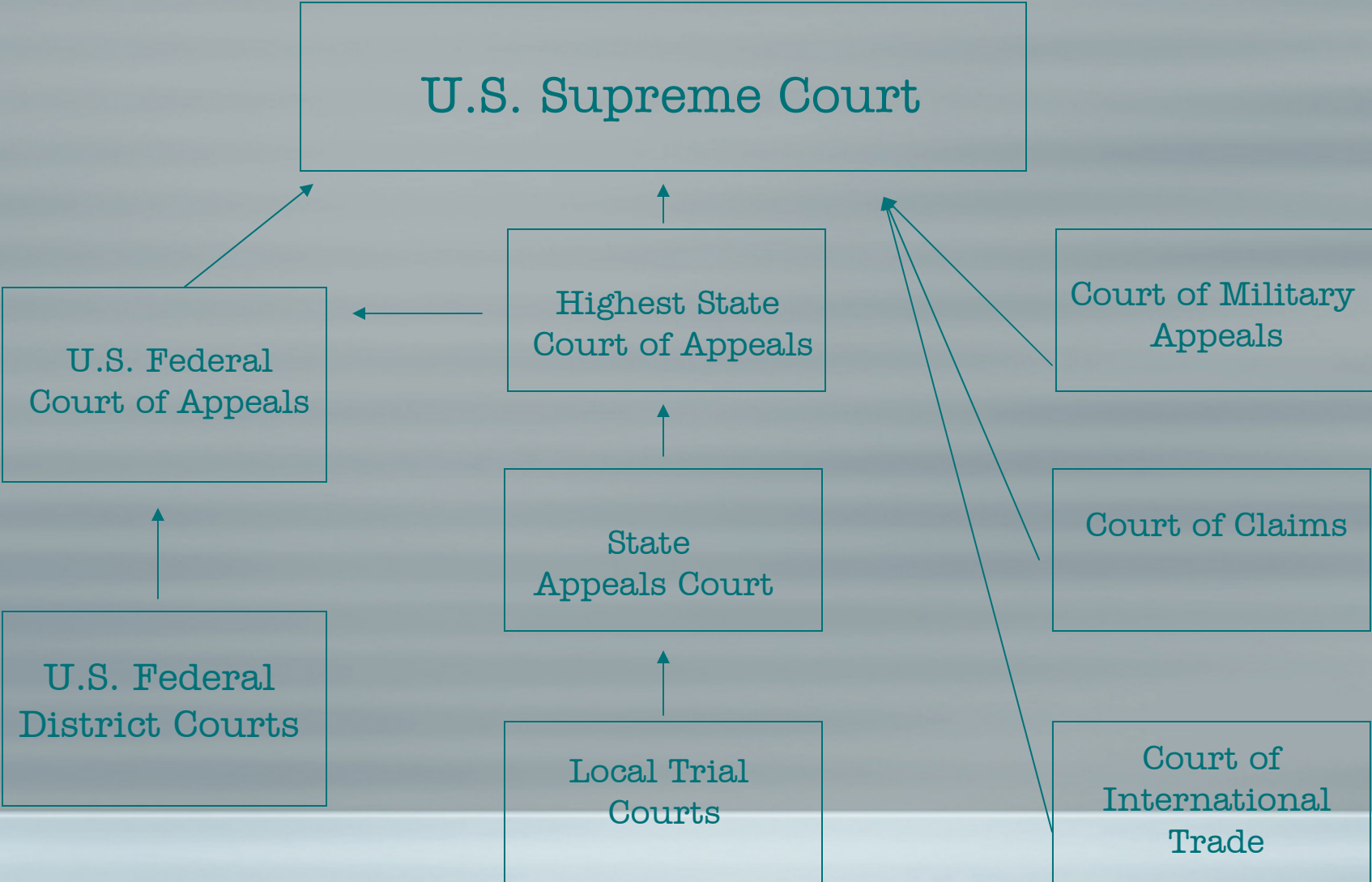


- The U.S. Supreme Court as a Policymaker
- Judicial Activism v. Judicial Restraint
- Landmark Cases
- Interpretation

Branches of Government



Structure of the Courts in the U.S.



Similarities With Other Branches



- Executive
 - Ability to set own agenda
- Legislative
 - Subject to public opinion
- Legitimacy

The Courts as a Policymaker



- Legitimacy
 - Legal and perceived right to make decisions
- Activism
 - Ability to make decisions which result in policy
- Restraint
 - Confining decisions; limiting ability to make decisions

Supreme Courts Throughout History



- Reflection of current administration
- Courts throughout U.S. history
 - Marshall Court (1801-1835)
 - Taney Court (1836-1864)
 - Warren Court (1953-1969)
 - Burger Court (1969-1986)
 - Rehnquist Court (1986-2005)
 - Roberts Court (2005-present)

Controversy



- Undemocratic branch of government
 - Justices are not elected
 - Created to be a check
 - Protect civil liberties
- Institutional Capacity
 - Constraints on ability to make policy
 - Interpretation authority
 - Checks and balances
- Judicial Capacity
 - Difficult to monitor implementation and enforcement
 - Other branches will “follow lead”

Landmark Cases



- Dredd Scott V. Sanford (1857)
 - Slavery
- Plessy v. Ferguson (1896)
 - Minority rights
- Brown v. Board of Education (1954)
 - Desegregation
- Miranda v. Arizona (1966)
 - Rights of the accused
- Roe v. Wade (1973)
 - Right to an abortion
- Grutter v. Bolinger (2003)
 - Affirmative action
- Kelo v. City of New London (2005)
 - Eminent Domain
- Roper v. Simmons (2005)
 - Capital Punishment

Exercise



- Read the case
- Discuss the facts
- Discuss the decision and reasoning of the Court

Conclusion

