

Name: \_\_\_\_\_ Class: \_\_\_\_\_

# **American Justice in the Supreme Court**

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*The Supreme Court is the highest court of the United States. It was set up by our Constitution to make important decisions about the law. This article describes how the Supreme Court works, and its impact on American justice. As you read, identify the responsibilities of the Supreme Court and how it fulfills those responsibilities.*

- [1] Did you ever get into an argument with someone and wish you could bring the debate to a higher power to settle it? Lawyers in the United States face the same problem, and the highest court they can take their arguments to is the Supreme Court. The Constitution<sup>1</sup> set up the Supreme Court to be the highest court in the land, and the head of the judicial<sup>2</sup> branch of the government. Its motto is, “Equal Justice under the Law,” because it aims to interpret the Constitution and settle debates between lawyers fairly.



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## **People on the Court**

Nine judges, called Justices, work for the Supreme Court, and they all listen to every case that is presented to them. The President chooses the people that he wants to serve on the Court, and the Senate confirms or rejects each of the President's choices. Once a Justice gets confirmed, he or she will remain on the Supreme Court for life. It is a great honor to be selected to serve on the Supreme Court, because it shows that the President and the Senate trust you to interpret the Constitution fairly.

The Supreme Court has the power of judicial review. This means they have the power to determine if a law is constitutional.<sup>3</sup> If the Justices decide the law does not line up with the Constitution, the law is invalid forever. It is a very difficult job, and often the Court is split 5-4 on tough decisions because everyone reads the Constitution differently.

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1. The United States Constitution is the supreme law of the United States of America, established in 1788.  
2. The judicial branch of the United States government is the system of courts that interprets and applies the law.  
3. That is, if something is allowed by the United States constitution. If something violated the Bill of Rights, for example, it would not be constitutional.

## The Road to the Court

Not every legal case can make it to the Supreme Court. First, the case has to work its way through a series of lower state and federal courts through an *appeals process*. If one side of a case that was tried in a lower court does not like the outcome of the verdict,<sup>4</sup> they can *appeal* to a higher court and hope the decision will be different. The appeals process is expensive and can take months or years. Second, the Supreme Court only listens to cases that have to do with federal laws, or laws that affect more than one state. Finally, the Justices get to choose which cases they want to hear. They get up to 8,000 applications every year from lawyers who want to appeal, but they only hear about 80 cases each year.

- [5] Once the Supreme Court agrees to hear a case, the lawyers on each side have to prepare arguments to present to the Justices in the Supreme Court building in Washington, D.C. Each lawyer has 30 minutes to convince the Justices why his or her side is right. The Justices meet immediately after the hearing to discuss some initial thoughts, but they do not officially vote on the case until sometime later. When they do vote, the winning side – known as the majority – chooses one Justice to write the *opinion of Court*, a brief essay explaining why they voted the way they did. After that, the decision is final.

## Why the Court Matters

Supreme Court decisions can have a huge impact on American politics and society. For example, in 1896 the Court made a famous decision in the case *Plessy v. Ferguson*: it was fine to separate people by race in public and private areas, as long as the conditions for both races were equal. The opinion of the Court used the phrase “separate but equal,” which became a popular motto for segregation<sup>5</sup> and oppression<sup>6</sup> of African Americans across the country for decades to come. Fortunately, the Court made another decision in the 1954 case *Brown v. Board of Education*, which undid some of the damage. They ruled that segregation in schools was unconstitutional. These cases are just two examples of how decisions made in the Supreme Court can have massive effects on our everyday lives.

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4. **Verdict (noun):** the decision of a court of law

5. Segregation refers to the separation of people by race, including sending students to separate schools.

6. **Oppression (noun):** the cruel or unfair treatment of a group of people

## Text-Dependent Questions

**Directions:** For the following questions, choose the best answer or respond in complete sentences.

1. PART A: Which of the following best identifies the central idea of the text?
  - A. Once the Supreme Court makes a decision, that decision cannot be reversed by another court.
  - B. As the highest court in the United States, the Supreme Court makes decisions that can change U.S. history.
  - C. The Supreme Court is easy to run because laws are clearly outlined in the U.S. Constitution.
  - D. The Supreme Court, as overseer of the United States justice system, reviews every legal decision made in all U.S. courts of law.
  
2. PART B: Which phrase from the text best supports the answer to Part A?
  - A. "Nine judges, called Justices, work for the Supreme Court, and they all listen to every case that is presented to them." (Paragraph 2)
  - B. "It is a very difficult job, and often the Court is split 5-4 on tough decisions because everyone reads the Constitution differently." (Paragraph 3)
  - C. "to write the opinion of Court, a brief essay explaining why they voted the way they did. After that, the decision is final." (Paragraph 5)
  - D. "Supreme Court decisions can have a huge impact on American politics and society" (Paragraph 6)
  
3. Which of the following best describes the relationship between the appeals process and the Supreme Court?
  - A. The Supreme Court only takes cases that have already gone through the appeals process.
  - B. The Supreme Court uses the appeals process to determine whether a law is constitutional or not.
  - C. The Supreme Court determines the verdicts for their cases through the appeals process.
  - D. The Supreme Court only takes a case if a majority of the justices vote for it to go through the appeals process.
  
4. How does paragraph 6 contribute to the development of ideas in the text?

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## Discussion Questions

**Directions:** Brainstorm your answers to the following questions in the space provided. Be prepared to share your original ideas in a class discussion.

1. Is it fair that a “higher power” -- just nine individuals -- decides who is right in an argument? What are some reasons this is fair, and some examples when it might not be?
2. In the Supreme Court, majority rules, even when a majority could only mean five out of nine. Is this a fair system? Why might the Supreme Court be structured this way?
3. In the context of this article, what makes America unique? Cite evidence from this text, your own experience, and other literature, art, or history in your answer.