

Summary

[Linguistics](#), [English](#)



Ideologies Of Supreme Court Justices In US Introduction A national debate arose over presidential powers in the U. S. when the court ruled against validation of military commissions for enemy fighters in Hamdan v. Rumsfeld. The court's ruling led to a conventional view where conservatives insisted that they were close to victory in Hamdan. Liberals worried so much about this issue. There was a belief that justices will never change the course of their tenures. The conventional view faced many challenges and implications. Professor Strauss has a view that Justices don't reverse their beliefs with time to adjust to the dynamic legal environment. It was assumed that there was lack of change in ideologies among the Justices. This conventional view is a result of empirical observation and intuition. One of the main challenges is the study done on voting of justices. In civil liberties, writers reached a conclusion that the rulings of seven Justices (Burton, Burger, Harlan, Brennan, Jackson, Stewart and Marshall) remained unchanged over the period of their careers. The others however, changed in significant ways. There was a great need to resolve the debate that had come up. There was need to reconsider the appointment of justices. In trending to the left, we consider Justice Blackmun, who was among the twelve Justices. He said that when Justices go on Supreme Court their constitutional philosophies are not fully developed. Douglas and Harlan moved to the right and later changed to the left. When appointing a justice, we should ensure that we share the same ideologies with him.

Ideological values and votes of US Supreme Court justices

Supreme court justices are assumed to have strong dependent votes basing on their personal policies and values. Herman Pritchett's The Roosevelt Court

(1948) examines dissents and voting blocks of Justices. The court allows Justices to be dependent because there is no electoral accountability and the idea that the Supreme Court gives the last and final ruling. Justices are believed to be granted independent powers so that their rulings and not influenced by other parties. Their rulings hence are considered fair and just. Perceived values are not regarded as perfect ideologies of Supreme Court justices. The dependence granted to justices, therefore, renders their voting behavior unpredictable. There is a high correlation between the justices' votes in civil society and their ideological values.

Separation of powers in the positive theory of congress and courts.

Here we consider how powers are separated in courts. We shall consider the attitudinal model and the model of separation of powers. In attitudinal model, judges make rulings basing on the facts of the cases and not their ideologies and values. In the model of separation of powers, Brian Marks, one of the first scholars says that the status quo come first. After the status quo, the courts react. The congress can adopt or refuse the committee's proposal without any amendment. The court is assumed to have perfect and complete information i. e. justices have complete and perfect information concerning the congress. Enforced statutory interpretation and one-dimensional issues are also assumed. There are also assumptions about the congress like costless legislation/salience and limited veto points (Saul and Brenner, 55-649). There are several assumptions concerning congress/court interactions like last licks, exogenous judicial preferences. The legislative process can be divided into three models: multiple veto model, party caucus model and the committee gatekeeping model. We also have further tests

which include the inferential measures of attitudes and median voters.

Considering the Supreme Court in the U. S, the theoretical and empirical results pose doubts on the issue of the voting of justices. If we base on the multiple veto, then the courts are considered rational in voting. Observations have shown that justices are not dynamic when it comes to adjusting to the ever-changing political environment.

Conclusions

The congress disagrees with the courts in making some decisions. This disagreement explains why the justices need to change and respond to the new environment. However, the federal judiciary shall remain independent to ensure that fairness and justice prevail.

Work Cited

Saul., Brenner. " The New Certiorari Game." *Journal of Politics* (1979): 55-649. Print.