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Law, Constitution



Michael Hulisz Professor Beer POL 201 10 April 2012 Reaction Paper #3 I think that the Supreme Court can be considered undemocratic because once they are elected, they are there for good unless Congress votes 2/3 and the President approves then they can be removed from their power. I think they are elected for life because it would not be easy for Congress, the current President, and even the American people to sway their decisions. The Supreme Court is designed to rule only on the constitutionality of both federal and state laws, which is known as judicial review. They are the only federal position that has a great amount power that is appointed by the President is the Supreme Court. I also think another reason why people could consider the Supreme Court to be undemocratic because the President elects them and not the American citizens, like they do for a presidential election. However, through time the President changes so the Supreme Court judges get some recycling, but not nearly as often as some American citizens wish. I think that the Supreme Court could also be considered undemocratic is because they are supposed to stick to the Constitution on their decisions, but their interpretation. Obviously, people and even members of the Supreme Court have different views on the Constitution. If there is a judge that is considered to be moderate who gets removed, and a liberal one is put in his or her place, their interpretation will most likely conflict with what a much more experienced conservative Supreme Court member that was elected by a different, former President would. I also think that the Supreme Court is undemocratic because they want to impartial to everyone. The average age of Supreme Court judges (as of 2010) is 64. 1 years as opposed to 70, which what it was in 2005. This is because of the

recent judges put into the Supreme Court. They are: Chief Justice Roberts (55), Justice Samuel Alito (60), Justice Sonia Sotomayor (56), and Justice Elena Kagan (50). Since the average age is significantly lower, the changes for the Supreme Court probably will not happen for a long time unless they get kicked out off their power. This could be considered unfair to people because there were periods of time where the Supreme Court did not have many changes, but there have been more recent ones. I think that the Supreme Court can be considered democratic because they protect individual liberties. They do try to make sure that the decisions they make are fair and do protect the civil liberties given. Civil liberties are protections against government actions. The example I choose is how we as citizens have freedom of religion so therefore the government cannot tell us what religion is right and wrong. The liberty given is the fact that the government cannot make any action against any religion. They also have a majority of democrats in it. They are considered a check and democracy is supposed to be about checks and balances. No one has too much power. I think that there is not really a great way to hold the Supreme Court accountable because they are the highest power in the Judicial Branch. They decide if a law is allowed to exist with the exception amendments. The Supreme Court cannot enforce its own decisions since they have the highest say. This limitation is one of the checks on the power of the judicial branch. The court must rely on the Executive branch to ensure the order the Supreme Court is carried out. However, the Supreme Court could be held accountable for its decisions because they do need to follow what the Constitution states. As stated earlier, they all have different interpretations so that is where it can

get complicated as to how the Supreme Court bases their decisions in court. With that said, I do not think that there is a really great way to hold the Supreme Court accountable. Overall, I do think that the Supreme Court is more undemocratic than democratic because they are put into power with terms for life. They have such a great amount of power without having to be elected every few years, like the President does. The Supreme Court, like all courts in the federal system, have to follow what the Constitution says and interpret what it states for the decisions they need to make. I do think that it is good that they have an odd number so the outcomes are never at a tie. I personally think that they should get elected every so often, but they cannot really do that at this point because it would throw everything off.