Definition and Role

The power to decide cases and controversies. The judiciary, particularly the Supreme Court, plays a leading role in constitutional interpretation because of the uniquely American institution of judicial review.

Original Jurisdiction

The authority of a court to hear a case in the first instance to function as a trial court. The Supreme Court's original jurisdiction is outlined in Article III, Section 2, paragraph 2 of the Constitution.

Justiciability Limits

Article III authorizes federal courts to hear several types of cases and controversies: cases arising under the Constitution, federal laws and treaties, and cases involving citizens in different states.

Judicial Review of State Actions

Congress provided the mechanism for implementing the principle of federal constitutional supremacy over conflicting state law. It provided for Supreme Court review final judgement or decree by the highest court in the state in three categories of cases: (1) where the validity of a federal law or treaty is "drawn in question", and the decision was against its validity; (2) where a state statute was challenged as "repugnant to the Constitution, treaties or laws of the United States," and the decision was in favor of its validity; (3) where the construction of the federal Constitution, treaty, or statute was drawn in question and the decision was against the title, right, privilege, or exemption claimed..

Limits on Appellate Jurisdiction

Appellate jurisdiction is the authority of a court to hear a case that has been decided by a lower court, It is something that can never be changed by the court but is always defined by some authority external to it, either by a statute or by the Constitution. Article III, section 2 describes the judicial power of the United States as extending to disputes involving foreign diplomats, admiralty and maritime jurisdiction, and various controversies between states, between state and citizens of another, between citizens of different states, and where a foreign state is a party..

Marbury v. Madison (1803)

Establishes the authority for judicial review of both federal and executive and legislative acts. The Judiciary Act of 1789 was deemed unconstitutional by the SC because Article III holds that the SC shall only have original jurisdiction for a limited number of cases, and shall have appellate jurisdiction for all other cases.
Policy: The Supreme Court has the power, implied from Article III, to review acts of Congress and the Executive and if they are found repugnant to the Constitution, to declare them void.

Eakin v. Raub (1825)

Instituted that the Constitution would still be the supreme law of the land and the foundation of our system, but its primary interpretation would shift from the Court to the explicitly political branches of government.

Presumption of Constitutionality

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Standing

Three Constitutional Requirements: (1) Injury: the plaintiff must allege that he or she has suffered or will immediately suffer an injury in fact, (2) Causation: plaintiff must allege that the injury is fairly traceable to defendant's conduct, (3) Repressibility: the plaintiff must allege that a favorable federal court decision is likely to redress the injury. Plaintiff may only assert his own rights and cannot raise the claims of third parties not before the court. Plaintiffs may not sue as a taxpayer who shares a grievance in common with other caretakers (Frothingham v. Mellon). Taxpayer standing has only been allowed to challenge government expenditures as violating the Taxing and Spending Clause (Flast v. Cohen).

Mootness

There is no longer an actual controversy between adverse litigants. Exception: if there is an injury likely to reoccur in the future and it is possible that it could happen to the plaintiff again (Roe v. Wade)

Case and Controversy

Federal cases may not issues advisory opinions (Muskrat v. United States). Some state courts may. There must be an actual dispute between litigants.

Martin v. Hunter's Lessee (1816)

The Supreme Court asserted its authority to hear civil cases tried in state courts that presented federal constitutional questions. The U.S. Supreme Court is final in decisions of state controversies if the claim is based on a provision of the U.S. Constitution or a statute passed by Congress. If only a state question is presented, the highest court in the state has the final decision, and will be reviewed by the SC. Policy: The Supreme Court has jurisdiction over issues of federal law in state courts.

Ripeness

A federal court will not hear a case unless there is a present or significant threat of imminent injury. Seeks to separate matters that are premature for review because the injury is speculative and may never occur form those cases that are appropriate for federal court action. Rationale is to protect courts from entangling themselves in abstract disagreements over policy.

Political Question

Definition: A doctrine that excuses federal courts form considering matters that, even though they may constitute a case and controversy, are not the sorts of things that are proper for a court to decide and could be better decided by one or both of the other branches of government (Baker v. Carr 1962). Not all questions involving politics constitute a political question.

Avoiding the Constitutional Issues

The Court will not pass on a constitutional question, if there is some other grounds on which the case may be disposed of. Constitutional questions would be avoided if the case could be decided on other grounds. The Court will first seek to construe the statute in such a way that the constitutional question is avoided.

Ex Parte McCardle (1869)

Congress has the power to enlarge or diminish the Court's appellate jurisdiction. While the SC's appellate jurisdiction is derived from the Constitution, the Constitution also gives Congress the expressed power to make exception to that appellate jurisdiction.