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| **Are the Supreme Court an imperial judiciary?** | **Are the Supreme Court ‘politicians in robes’?** |
| POWER – what power do they have? What checks are there on the power? Are they effective? | IDEOLOGY – do the court effectively make law? Do they use their ideology in their rulings?  ***POLITICIAN v JUSTICE*** |
| Intro  Define – imperial judiciary (lack of EFFECTIVE checks)  Discussion – JR, Constitution  Direction – Not imperial | **Intro**  Define – ‘politician in robes’. Judges making law/ideology  Discuss – JR (impact), ideology (appt, rulings)  Direction – Not politicians |
| * No power of enforcement – c.f. Guantanamo/Bush * BUT Citizens United – Obama * Life appts – rarely impeached. Act without fear * Constitution – Roberts and Obamacare * Weary of public opinion – Roberts/Obamacare & Guns | * JR – power to law effectively e.g. Obergefell, Roe, Citizens United * BUT…pick and choose from 8,000 = political. BUT hear 60-80 there limited political impact * Continuous but limited impact politically * Appointment process – entirely political (nomination through to appoint) * => society/media treat as ideological beings * => seems to be some ideological voting trends * BUT majority of cases are not 5-4. Unanimous (x2) * but the process is at fault not the justices * Presidential outrage – failure to follow of their president – therefore ideology not a guaranteed/predictable * Judicial activism – ‘desirable social ends’ * Political impact * - Rights * - Politics – e.g. Bush v Gore (choosing the president) |
| Conc  Imperial in a limited framework | Conc  There is politicisation of the role but this doesn’t mean they are politicians. (MOTIVE) |