|  |  |
| --- | --- |
| **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*** |
| IntroDefine – imperial judiciary (lack of EFFECTIVE checks)Discussion – JR, ConstitutionDirection – Not imperial | **Intro**Define – ‘politician in robes’. Judges making law/ideologyDiscuss – 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)
 |
| ConcImperial in a limited framework | ConcThere is politicisation of the role but this doesn’t mean they are politicians. (MOTIVE) |