

The Supreme Court returns

The Supreme Court begins its fall session.

BASIC

This building in Washington, D.C. is where nine people do one of the most important jobs in the country. **Who knows what this building is called?** (*The Supreme Court.*) The Supreme Court is the highest court in the United States. Judges on the Supreme Court are called “justices.” Every year on the first Monday in October, the justices go back to work after their summer vacation. This year, there is a new justice on the Supreme Court — Sonia Sotomayor, who replaced retiring justice David Souter. She is the first Latino person ever to become a Supreme Court

justice. The justices will have to make decisions about some of the laws in our country. Sometimes these laws are very confusing. It’s the Supreme Court’s job to decide if the laws follow our nation’s Constitution. **Who knows what the Constitution is?** (*The basic set of laws that are used to run our country.*) These words are from the part of the Constitution that created the Supreme Court. Let’s learn more about how the court works. NEXT



GENERAL

Every year on the first Monday in October, nine people return to work in this Washington, D.C. building after their summer break. They are judges on the most powerful court in our nation, the Supreme Court. Judges on the Supreme Court are called “justices.” The chief justice is John Roberts. This year there is a new justice on the court, and she is the first-ever Latino justice. **Who knows her name?** (*Sonia Sotomayor.*)

For the next several months, the court will hear arguments and make decisions on many important cases. The Supreme Court is different from most other courts in the United States in several ways. For one thing, the Supreme Court only hears cases that have to do with the Constitution. **What is the Constitution?** (*The basic set of laws*

on which our country is based. All other laws in our country are supposed to follow the rules in the Constitution.) Here you see the part of the Constitution that established the idea of a Supreme Court. Most courts are led by one judge, and in most courts, a group of ordinary people decides whether a person is guilty or not guilty. **Who knows what this group is called?** (*A jury.*) If a jury decides whether a person is guilty or not guilty, that decision must be unanimous. **What does that mean?** (*Everyone on the jury must agree one way or the other.*) But on the Supreme Court, the nine justices make decisions, and their decisions don’t have to be unanimous. If a majority of the justices agree, their decision is final. **How many Supreme Court justices would make a majority?** (*Five.*) Let’s take a look at how the court works. NEXT

ADVANCED

Next Monday, the U.S. Supreme Court convenes for its fall term. This year marks the first time the court has had a Latino justice. **Who can name her?** (*Sonia Sotomayor.*) **Who can name the chief justice of the Supreme Court?** (*John Roberts.*) **How many of the other seven justices can you name?** (*Stephen Breyer, Clarence Thomas, Ruth Bader Ginsburg, Samuel Alito, Anthony Kennedy, John Paul Stevens, and Antonin Scalia.*)

The Supreme Court is the only court established by the Constitution, in the article quoted here. No details beyond this were specified, and later laws decided the court’s composition, how often it would meet, and other details. The court rules

strictly on constitutional cases, and trying to predict what it will do has always been difficult. In the past, many proceedings that went on in the Supreme Court were kept secret until the court issued its decisions. The court has become more open to the public in recent years, but it still conducts much of its business in private. **Can you explain why the court operates with a degree of secrecy?** (*The founding fathers of the United States wanted the Supreme Court to operate independently from other branches of government and from public and political pressures. This is why the justices must be sequestered, or isolated, when they are in session.*)

Let’s take a look at how the court works. NEXT

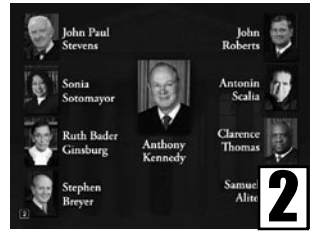
The Supreme Court returns (cont'd)

The makeup of the court has changed, and could change more in the next few years.

BASIC

Here you see all the Supreme Court justices. The president appoints Supreme Court justices, and the Senate approves them. President Bush appointed the chief justice, John Roberts. The justices on the right usually have conservative opinions, or opinions that agree more with Republicans, while the justices on the left usually have more liberal opinions, or opinions that are more likely to be in line with the views of Democrats. Justice Kennedy has voted both ways during his time on the court, so his vote is called a “swing” vote. Justices

are appointed to the court for life, so most judges stay on the court until they retire or die. One justice, John Paul Stevens, is 89 years old. And since several other justices on the court right now are age 70 or older, President Obama might have to appoint some new justices within the next four years. **What do you think are the most important qualities that a Supreme Court justice should have?** NEXT



GENERAL

The Supreme Court is part of the judicial branch of government. **What are the other two branches?** (*The executive branch, meaning the president and vice president, and the legislative branch, meaning Congress.*) Supreme Court justices are not elected, but elections can have a big effect on the Court. That's because the president nominates Supreme Court justices. And the Senate approves or rejects these nominations. Nominating a Supreme Court justice is very important, because justices have the job for life. They can't be removed except by impeachment, which means being charged with serious misdeeds — and this has only happened once, more than 200 years ago. Justices usually keep their jobs until they die or decide to retire. One justice, John Paul Stevens, is

89. Justices often delay retirement until a president they agree with is elected. **Why might they do this?** (*They want the president to nominate someone with beliefs similar to themselves.*) Justice Stevens votes on the liberal side of most cases, as do the other justices on the left here. The justices on the right usually vote on the conservative side. Justice Kennedy is considered a swing vote — he could go either way. In general, Republican presidents appoint more conservative justices and Democratic presidents appoint more liberal judges. **What do you think are the most important qualities a Supreme Court justice must have? Why?** During their time on the Supreme Court, justices will make decisions that can have a big effect on our country. NEXT

ADVANCED

Although Supreme Court justices are not elected, elections can have a big influence on the court. **Who knows why?** Justices are nominated by the president, and approved or rejected by the Senate. And Supreme Court justices have the job for life. There is only one mechanism for removing a justice for serious misdeeds. **Who can name it?** (*Impeachment.*) This has only happened once to a justice, and it was more than 200 years ago. And the Senate rarely rejects nominations; the last time this happened was in 1987.

Justices have been known to delay their retirement until the election of a president whose views are more aligned with their own. **Which retiring justice did Sonia Sotomayor replace?** (*David Souter.*) There is also speculation that Justice Stevens,

now 89, may soon retire. President Obama may have more opportunities to put his stamp on the court, but the more conservative judges on the court — shown here on the right — are unlikely to retire soon. **Do you think there should be a mandatory retirement age for justices? Why or why not?** Justices Breyer, Ginsburg, Stevens, and Sotomayor are considered liberal, while Justice Kennedy is seen as a swing vote on many issues. **What major issues and rights could be affected if the court swings sharply one way or the other? What do you think are the most important characteristics a Supreme Court justice must have? Why?** This session the court will be making a decision on a case that could have a powerful impact on future elections. Let's take a look at it. NEXT

The Supreme Court returns (cont'd)

One side in this case argues that corporations are entitled to free speech.

BASIC

The first case the Supreme Court will hear is about private companies, known as corporations, and free speech rights. The First Amendment to the U.S. Constitution protects freedom of speech. It means anyone can say their opinion and not be punished for it by the government. But the First Amendment protects more than just spoken words. It protects many forms of expression, including advertising for political candidates. The court will look at the question of whether companies have the same free speech rights as people do. This

case involves a documentary movie that was made by people who don't like Hillary Clinton and didn't want her to be elected president. The movie was paid for partly by corporations. The quote you see here was part of the argument made before the court by a lawyer for the documentary makers. **Do you think that corporations should be entitled to the same rights to free speech that people have? Why or why not?** NEXT



GENERAL

One of the first cases heard by the Supreme Court this term is a very complicated one, but it could have a big effect on politics in the United States. It has to do with corporations and the First Amendment to the Constitution. That amendment protects many basic freedoms, including freedom of speech. **What do you think freedom of speech means?** For one thing, it means that you can state your opinion without being punished for it by the government. But the First Amendment protects more than just spoken words. It protects writing and music and movies, and all forms of expression. That includes advertising for or against political candidates. **How important do you think advertising is in political campaigns?**

corporations many of the same rights and protections that individual people have. But over the years, the Supreme Court has been unclear about how far these rights should go. This particular case involves a documentary movie, made by people who don't like Hillary Clinton, and didn't want her to be elected president in 2008. The movie was paid for partly by money from corporations. This raises the question: **Should corporations be allowed to spend unlimited amounts of money to support or oppose political candidates?** The argument you see here was made before the Supreme Court by a lawyer for the makers of the documentary. **Do you think corporations have a basic right to free speech just as individuals have? Why or why not?** NEXT

ADVANCED

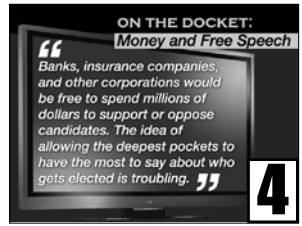
One of the first cases heard by the Supreme Court this term could have wide-reaching effects on the way political campaigns are run in this country. The case is a complex one, but it boils down to the question of whether the First Amendment protects corporations. With few restrictions, the First Amendment protects all forms of expression. Political speech, being central to a democracy, has traditionally been granted the highest degree of First Amendment protection.

involves a documentary film titled "Hillary: The Movie," which was released during the 2008 presidential campaign. A lower court ruled it was effectively a 90-minute campaign ad against Hillary Clinton, and was therefore subject to campaign finance laws. This meant that the film could not be aired just before the election. **Do you think this was a fair ruling? Why or why not?**

Going back to the 19th century, the Supreme Court has granted corporations some of the same rights as individuals. But over the decades, the court has gone back and forth over how far these rights should extend. This particular case

"Hillary: The Movie" was paid for partly with corporate money, and this has raised the question of whether the lower court infringed on the corporations' free speech rights. The argument you see here was made before the court by the lawyer for the filmmakers. **Do you think this is a valid argument? Why or why not?** NEXT

The Supreme Court returns (cont'd)



Granting corporations the right to free speech could allow them to spend unlimited money on political campaigns.

BASIC

The words you see here shows the main argument against allowing companies to have the same free speech rights as individual people have. The term “deepest pockets” here means having the most money. Allowing corporations full free speech rights could allow them to spend unlimited amounts of money on ads for or against certain candidates. Right now, corporations are banned from spending money directly on political advertisements. They also can’t give money directly to candidates. **Why do you think this rule was put in place?** But

individual people are free to donate money to candidates they support, although there is a limit on this too. The law puts limits on how much corporations can spend on political candidates in order to make sure that elections can’t be decided just by groups that have the most money. Whichever way the court rules in this case, it will have a big effect on future elections. **How do you think the court should rule in this case?** END

GENERAL

The quote you see here represents some of the arguments against giving corporations the same free speech rights that people have. **What do you think the term “deep pockets” means here?** (*Having the most money.*) The laws about how political campaigns are paid for are very complicated. But in general, the law limits how much groups can spend on political ads. **What do you think is the reason for this?** (*The idea is to limit the influence of money on elections.*) Corporations, for example, are not allowed to spend money on political ads within 60 days before an election. **Do you think this is a good rule? Why or why not?**

Supporters of this law believe that if it is overturned, corporations will spend a lot of money to support or oppose certain

candidates. **Why do corporations want to spend money on elections?** Some say this could mean that corporations could have a lot of influence on the outcome of elections. **Why do you think some people are worried about this?** (*One reason is that they think that giving so much power to corporations will drown out the voices of individual people, who don’t have as much money to spend as companies do.*)

Do you agree or disagree with the argument you see here? Why? This case is an example of how Supreme Court decisions can have a huge effect on our country. **How do you think the Supreme Court should rule in this case? Why? How do you think future elections would change if the Supreme Court rules in favor of the corporations in this case?** END

ADVANCED

The quote shown here represents the opposition to granting corporations First Amendment protections. In 1990, the Supreme Court recognized the, quote, “corrosive and distorting effects,” unquote, of corporate money on political campaigns. Despite recent reforms, campaign finance law remains complicated. But in general, groups are limited in how much they can spend on political ads. This doesn’t include corporations only; it also includes groups such as unions and issue advocacy groups like the National Rifle Association or the Sierra Club. These groups are banned from spending directly on advertising that supports or opposes a candidate within 60 days before a general election. **Do you**

think this is a reasonable restriction? Why or why not?

Supporters of these restrictions fear that, if they are overturned, it could open the floodgates to unlimited campaign spending by corporations, unions, or special interest groups. One attorney for a group in favor of keeping the restrictions warned, “The average person should be concerned that striking down [this ban] will result in a flood of corporate money ... that will drown out the average person’s political speech.” **Do you think this is a realistic scenario? Why or why not? Should the court uphold the restrictions? Why or why not? How important do you think it is to limit the influence of money on political campaigns?** END