Factors Affecting Supreme Court Decisions

Legal Precedents

Korematsu v. United States (1944). The court upheld the power of the federal government to exclude Japanese-Americans from their homes as part of the Relocation Program, drawing on the precedent it set in Hirabayashi v. U.S. in 1943. That case found that the burdens relocation placed on Japanese-Americans were “within the boundaries of the war power.”

Tinker v. Des Moines Public Schools (1969). The court upheld the free-speech rights of students to protest the Vietnam War by wearing black armbands to school. Writing the majority opinion, Justice Abe Fortas argued that the school would need a valid reason to prohibit the protest, more than “a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint.”

Judicial Philosophy

Like other active political figures, Supreme Court justices have strong opinions on particular issues. Their opinions can greatly affect not only the decisions of the court, but also the selection of cases.

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Public Opinion

The public can have a strong influence on the court. During certain periods in history, the public feeling regarding particular issues has swayed the court in its decision making. The “rights-consciousness” of the public influenced the court in the 1960s and 1970s.

Furman v. Georgia (1972). The court struck down all state laws permitting the death penalty; each justice filed a separate opinion. Justice Thurgood Marshall wrote that “the average citizen would, in my opinion, find [the death penalty] shocking to his conscience and sense of justice. For this reason alone capital punishment cannot stand.”

Limitations on Supreme Court Power

The Supreme Court can only make decisions on issues set forth in the Constitution. There are many issues that the court feels are reserved for the states to decide.

Cumming v. Richmond County Board of Education (1899). The court ruled against a group of black citizens who sought to force the county to build a high school for black students, since it had one for white students. “The education of the people in schools maintained by state taxation is a matter belonging to the respective states,” it ruled.