



“Is the Supreme Court Different?”

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Summary: Linda Greenhouse is a lecturer at Yale Law School, but for many years she was a New York Times reporter covering the U.S. Supreme Court. Her widely read and respected newspaper columns provided the nation with a clear view of the role the Court played in American society. Unlike many other courts, the public sessions of the Supreme Court are not televised, and not that long ago even the audio tapes of the oral arguments before the Court were not readily available.

Discussion Questions:

1. Changes in the media – the decline of newspapers and the rise of social media – have altered the way in which we get information about public affairs. How have these changes affected how we get information from the courts, particularly the U.S. Supreme Court?
2. Today, we can get access to Supreme Court arguments and judicial opinions via the internet. Do you think the Court should allow the arguments before it to be televised, as many other federal and state courts allow?
3. Studies of the Supreme Court have found that in divided cases (in the period from the inception of the Court until 2010) there were only two instances in which the Court was specifically divided along party lines. However, since 2010, there have been eight cases in which the Court was specifically divided along political party lines. How do you think this division has affected/is affecting the

image of an independent, impartial Court? Explain the factors you believe support your position.

4. One explanation for the political party division in the Court's recent decisions is the type of issue in cases that the Court has examined. For example, Greenhouse highlights abortion as a "hot" topic for the Supreme Court to examine. She also notes that cases involving First Amendment free speech as well as those pertaining to church and state issues have resulted in decisions along political party lines. Do you agree with her assessment? What other issues do you think could cause decisions of the Supreme Court to be divided along political party lines?
5. *Stare decisis*, which means to "stand by things decided," is the doctrine of precedent and is important for the judiciary. Do you think this principle is important to judicial decision-making? How do you think *stare decisis* affects judicial decision-making at the various levels of the federal court system? Finally, do you think it is less important at the Supreme Court level? If so, why?

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