Merrimack College
Merrimack ScholarWorks

Political Science Student Work | Political Science

Spring 2023

The Supreme Court: A Power Hungry and Political Branch Since its Conception A timeline from Marbury v. Madison to Dobbs v. Jackson Women's Health Organization

Alec Diradourian

Follow this and additional works at: https://scholarworks.merrimack.edu/pol_studentpub

 Part of the Political Science Commons

The Supreme Court:

A Power Hungry and Political Branch Since its Conception

A timeline from *Marbury v. Madison* to *Dobbs v. Jackson Women's Health Organization*

Alec Diradourian

POL3151: American Constitutional Law

Dr. Kevin McGravey

December 13, 2022

The Supreme Court of The United States was never meant to be a political branch of the federal government. The court was meant to be free from partisan politics and be a branch meant to dispute cases between states, citizens from different states–really any case brought up to the court that they agreed to hear. Perhaps most importantly, the court was meant to be a check on the other branches of government to ensure that bills and laws passed by Congress and signed by the President were not in violation of the Constitution. Justices were expected to apply the law equally and fairly while leaving their personal beliefs and political views aside when hearing and ruling on cases. As the Court heard more and more cases, the ideal court faded away and became more political. Dating back to *Marbury v. Madison* the court has always been on a power grab and has been a political body whether it showed it or not. Perhaps the most recent example, amongst many, of the court showing its true partian colors was when the court overturned *Roe v. Wade* back to the states following their ruling in *Dobbs v. Jackson Women's Health Organization*. We see the court start to steer in its political ways as early as *Marbury v. Madison*, as famously as *Bush v. Gore*, and as recently as *Dobbs v. Jackson Women's Health Organization* and who knows what the future holds.

When the court was first formed, Congress set the number of Justices at six-one Chief Justice and five Associate Justices. Since then the number has fluctuated up and down many times. The number of Justices would be increased to seven in 1807, then to nine 30 years later, then to 10 in 1863. 3 years later the number of Justices would be brought back down to seven, and finally in 1869, the Court would have nine Justices (one chief and eight associates) where it has remained since.[1] All of these Justices, no matter the number, are unelected to their position.

[1] Elizabeth Nix, "7 Things You Might Not Know about the U.S. Supreme Court," HISTORY, October 29, 2018, https://www.history.com/news/7-things-you-might-not-know-about-the-u-s-supreme-court.

Justices are nominated by the sitting President, sent to testify in front of the Senate Judiciary Committee, and finally sent to the full Senate for a final confirmation vote. This process of getting the job of a Justice is what makes the Court unique and *should* make it easier for the court to be insulated from partisan politics. However, this has not always been the case for the high court. It is almost impossible to stay free from politics in the most politically divided city in America. To prove my argument of how the court has always been on a power grab and has always been political, I will be looking at the following cases: *Marbury v. Madison*, 5 U.S. 137 (1803), *Cooper v. Aaron*, 358 U.S. 1 (1958), *Bush v. Gore*, 531 U.S. 98 (2000), and *Dobbs v. Jackson Women's Health Organization*, 597 U. S. ___ (2022). Additionally, I will be analyzing the aftermath of the ruling in *Dobbs v. Jackson Women's Health Organization* including laws regarding abortions across the country, the effect the ruling has had on women across the country–particully those with laws outlawing abortion, and the public's view of the court since the ruling.

In 1803 the court was set to hear arguments, and eventually make a ruling, in *Marbury v. Madison*. After being denied his commission as Justice of The Peace in The District of Colombia, William Marbury took his case to the Supreme Court asking for a writ of mandamus, which "is an order from a court to an inferior government official ordering the government official to properly fulfill their official duties or correct an abuse of discretion"[2], which would force newly elected Madison to deliver Marbury his commission. After hearing this case, the court ruled in favor of Madison and Marbury was not given his commission. However, within this ruling, Chief Justice John Marshall granted the court the power of judicial review. Marshall wrote that "if a law be in opposition to the Constitution, if both the law and the Constitution apply to a particular case, so that the Court must either decide that case conformably to the law,

[2] "Mandamus," LII / Legal Information Institute, 2019, https://www.law.cornell.edu/wex/mandamus.

disregarding the Constitution, or conformably to the Constitution, disregarding the law, the Court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty." [3] It was in these few sentences that the Court took on a new power; the power of judicial review. The Court in essence ruled in favor itself while simultaneously ruling in favor of Madison. This decision over 200 years ago started a grab for power as the Supreme Court began to define itself 14 years after its conception in 1789 following the passage of the Judiciary Act. [4]

Judicial review is defined as "the power to strike down legislative or executive acts on grounds that they are incompatible with a provision or provisions of the Constitution"[5] which is no responsibility to take on lightly. By granting itself the ability to determine whether legislative acts or executive acts are constitutional or not, the Supreme Court is setting itself up to be one the greatest checks in our system of checks and balances. When the Court puts its power of judicial review into motion, Justices are expected to set aside their own beliefs and make decisions solely based on precedent, current laws, and The Constitution. The White House website reads "since Justices do not have to run or campaign for re-election, they are thought to be insulated from political pressure when deciding cases"[6] and that is one of the many concepts that make the Supreme Court unique. Once a Justice is appointed to the bench, they do not need to seek voters approval or need to fear not being reelected since Justices serve for life. In setting the Court up this way, Justices should have no issue setting aside how they personally feel about a case when making a ruling. However, as we see in the many cases that will follow *Marbury v.*

---

[3] Corey Brettschenider, "Judicial Authority" in *Constitutional Law and American Democracy: Cases and Readings*, p. 40, 47

[4] "History and Traditions," Supreme Court of The United States, https://www.supremecourt.gov/about/historyandtraditions.aspx.

[5] Corey Lang Brettschneider, "Judicial Authority" in *Constitutional Law and American Democracy: Readings* (New York, New York: Wolters Kluwer Law & Business, 2012), p. 133

[6] The White House. 2021. "The Judicial Branch." The White House. 2021. https://www.whitehouse.gov/about-the-white-house/our-government/the-judicial-branch/

Madison the Justices on the Court have some trouble solely focusing on applying the law to a case.

With the Court now having the ability of judicial review, 155 years later, the Court would reaffirm itself the power of judicial supremacy. Meaning, whatever the Court says, goes. In its unanimous opinion in *Cooper v. Aaron*, the Court stated that

> "[W]e should answer the premise of the actions of the Governor and Legislature that they are not bound by our holding in the Brown case. It is necessary only to recall some basic constitutional propositions which are settled doctrine. Article VI of the Constitution makes the Constitution the 'supreme Law of the Land.' In 1803, Chief Justice Marshall, speaking for a unanimous Court, referring to the Constitution as 'the fundamental and paramount law of the nation,' declared in the notable case of Marbury v. Madison, that 'It is emphatically the province and duty of the judicial department to say what the law is.' This decision declared the basic principle that the federal judiciary is supreme in the exposition of the law of the Constitution, and that principle has ever since been respected by this Court and the Country as a permanent and indispensable feature of our constitutional system" [7]

What this means for the Court is because the Constitution is the supreme law of the land, per The Supremacy Clause, and the Supreme Court is the body that interprets the Constitution, per the ruling in *Marbury v. Madison*, the Supreme Court therefore has all final say in matters regarding the Constitution and any laws stemming from the Constitution. This power is known as judicial supremacy which is defined as "the view that the Court is the final and supreme interpreter of

[7] Corey Lan Brettschenider, "Judicial Authority" in *Constitutional Law and American Democracy*, p. 101

constitutional meaning" [8] which, like judicial review, is no responsibility the court should take on lightly and should not be executed with Jusitce's politcal, personal, and religious beliefs in mind.

Following the passage of The Judiciary Act in 1789, the Court began to define itself. 14 years later in *Marbury v. Madison*, the Court would grant itself the power of judicial review. 155 years post *Marbury v. Madison*, the Court would reaffirm its power of judicial supremacy in *Cooper v. Aaron*. With these two major powers granted to the Court, this is where things only start to become political for the highest Court in the land.

Fast forward to the year 2000 when George W. Bush and Al Gore ran for President and a winner had not yet been determined. Florida had yet to be called for either candidate and the results were held up in court. At the time of the election, voters would punch a hole next to their preferred candidate in order to cast their vote. However, on many of these ballots, the hole would not be fully punched through. This was called a "hanging chad" when the circle of the punch does not completely detach from the paper. The fate of the 2000 election would be in the hands of The Supreme Court following a recount of votes, or rather a mis-recount of votes under the Equal Protection Clause. The Equal Protection Clause of The Constitution reads "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws"[9] which is what the Gore campaign argued Florida was violating by not having a standard procedure across the state when it came to counting ballots, particularly hanging chads. When votes were being recounted, each county was able to decide whether or not hanging chads were

[8] Corey Lang Brettschneider, "Judicial Authority" in *Constitutional Law and American Democracy:* p. 133
[9] Constitution Annotated, "Fourteenth Amendment | Browse | Constitution Annotated | Congress.gov | Library of Congress," constitution.congress.gov, n.d., https://constitution.congress.gov/browse/amendment-14/#:~:text=No%20State%20shall%20make%20or

considered votes for a particular candidate. The Gore campaign argued that because votes were being counted differently in each county, the citizens of Florida were having their equal protection rights violated. In a per curiam opinion, the Supreme Court ruled that the Equal Protection Clause had been violated. However, the Court also ruled that the recount can not continue as it will not be completed by what is known as "safe harbor deadline" or the day in which states must have their election results certified.

The safe harbor deadline comes from 3 U.S.C. § 5 as part of the Electoral Count Act of 1887, which reads:

> "If any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned".[10]

The Court argued that because of when the recount was issued, it could not be completed before the deadline holding that "because it is evident that any recount seeking to meet the December date would be unconstitutional for the reasons we have discussed, we reverse the judgment of the Florida Supreme Court ordering a recount to proceed [11] meaning that because the recount can not

[10] "3 U.S. Code § 5 - Determination of Controversy as to Appointment of Electors," LII / Legal Information Institute, n.d., https://www.law.cornell.edu/uscode/text/3/5.
[11] Corey Lan Brettschenider, "Judicial Authority" in *Constitutional Law and American Democracy* p. 126

continue, Florida's electoral votes would be given to George W. Bush and he would become president-elect.

A per curiam opinion is an unsigned opinion of the Court. In a per curiam opinion, "the Court" signs the majority opinion as opposed to a specific Justice. While this was a per curiam opinion, the opinion of the Court and oral arguments shows a clear divide–mostly along party lines–of the Court. Regarding the violation of the Equal Protection Clause, the Court split 7-2 on this issue, and split 5-4 regarding whether or not the recount can continue.[12] In both issues, the conservative justices were in the majority (liberal justices joined the conservative majority in the issue regarding the violation of The Equal Protection Clause). This case is perhaps one of the greatest examples of the Court's politicization.

The Supreme Court of The United States holds what is known as appellate jurisdiction. This means that the Court can hear any cases "on almost any other case that involves a point of constitutional and/or federal law"[13] which encompasses *Bush v. Gore*. The Supreme Court was technically within its jurisdiction to hear this case when it came to the question of equal protection. However, when it came to allowing the recount to continue, should the Court have let a new recount take place where all "hanging chads" were counted fairly? I, along with many other legal scholars, would say yes. If the Court was not political, it would not have ruled the electoral votes go to Gore, but rather have ruled in a way that allows for all "hanging chads" to be treated the same which would have led to the citizens of Florida choosing which candidate its electoral votes go to and not the high court. *Bush v. Gore* was arguably one of the Court's most political rulings, and rightfully so. In this case, the Court spoke for the people, in essence taking

[12] "Bush v. Gore," Ballotpedia, n.d., https://ballotpedia.org/Bush_v._Gore.
[13] United States Courts, "About the Supreme Court," United States Courts, 2019, https://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/about.

their votes away. For the next 4 years, until the 2004 election, George W. Bush would be president all because of The Supreme Court.[14]

The most recent example of the Court showing its partisan colors is in *Dobbs v. Jackson Women's Health Organization* when the Court overturned 50 years of precedent set by the ruling in *Roe v. Wade* and set up a potential societal and political nightmare with a new precedent being set by the Court.

In 1973, after a little over 3 months of oral arguments, The Supreme Court ruled that the right to abortion is in fact a constitutional right under Amendment 14, Section 1 of The Constitution–also known as The Due Process Clause–which states that "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." [15] In the summary within its majority opinion, written by conservative Justice Harry Blackmun (and joined by 2 other conservative Justices along with the court's liberal Justices), the Court held that " A state criminal abortion statute of the current Texas type, that excepts from criminality only a life-saving procedure on behalf of the mother, without regard to pregnancy stage and without recognition of the other interests involved, is violative of the Due Process Clause of the Fourteenth Amendment."[16] With The Due Process Clause now set a precedent for the right to abortion, this opened the door for The Due Process Clause to be applied in similar ways to future cases. Cases like *Obergefell v. Hodges*–which legalized gay marriage in The United States, *Lawrence v. Texas*–which struck down an anti-sodomy act on Texas[17], or *Loving v.*

---

[14] George W. Bush would go on to win the 2004 election and serve 8 years as president
[15] Corey Lan Brettschenider, "Judicial Authority" in *Constitutional Law and American Democracy* p. 1xii
[16] Corey Lan Brettschenider, "Judicial Authority" in Constitutional Law and American Democracy p. 1034
[17] Suzanne McGee, "5 Supreme Court Rulings Based on the 14th Amendment," HISTORY, n.d., https://www.history.com/news/supreme-court-rulings-14th-amendment.

Virginia--which legalized interracial marriage across the country, and many others. However, after nearly 50 years of precedent, a conservative majority on the highest court overturned *Roe v. Wade* in its ruling of *Dobbs v. Jackson Women's Health Organization.*

Translated, stare decisis means "let the decision stand" and is "the idea that the Supreme Court should defer to legal presidents in the hope of treating 'like cases like,'"[18] a concept that had been a pillar of the Supreme Court to use past precedent in future rulings. Writing the majority opinion for the Court in *Dobbs v. Jackson Women's Health Organization*, Justice Samuel Alito wrote that "But stare decisis is not an inexorable command [...] and is at its weakest when [the Court] interpret[s] the Constitution"[19] essentially saying the court is ignoring this concept in its ruling. On June 24, 2022, the Supreme Court released its opinion in *Dobbs v. Jackson Women's Health Organization* and overturned 50 years of precedent set in *Row v. Wade* and sent abortion back to the states for each individual state to make their own laws regarding abortion.

Since the ruling in *Dobbs v. Jackson Women's Health Organization*, 18 states have placed bans on abortions whether in full or after a certain amount of weeks (ranging from 6-20), 10 states have abortion bans tangled up in the court system[20], and 24 have either fully legalized abortion or legalized abortion with limits.[21] Some of these states even had what are known as "trigger laws" that would take effect once the Court made its ruling, knowing what was coming following the leak of the opinion in *Dobbs v. Jackson Women's Health Organization*. Overturning *Roe v. Wade* was perhaps one of the politically motivated acts the Court could have

---

[18] Corey Lan Brettschenider, "Judicial Authority" in Constitutional Law and American Democracy p. 237
[19] *Dobbs* v. *Jackson Women's Health Organization,* 597 U. S. ___ (2022)
[20] 2 states with bans held up in the court are Arizona and Utah, which are also counted as states with bans
[21] "Tracking the States Where Abortion Is Now Banned," The New York Times, October 13, 2022, sec. U.S., https://www.nytimes.com/interactive/2022/us/abortion-laws-roe-v-wade.html.

taken that caused a clear divide between states and Democrat and Republican legislators and judges.

I think that the Court overturning *Roe v. Wade* was solely motivated by political and religious beliefs of the Court's conservative wing and has always been part of their plan when the opportunity presented itself. All of the conservative Justices that ruled in *Dobbs v. Jackson Women's Health Organization* made explicit remarks regarding precedent during their confirmation hearing. Recently appointed Justice Amy Coney Barret, for example, said "'Judges can't just wake up one day and say I have an agenda — I like guns, I hate guns, I like abortion, I hate abortion — and walk in like a royal queen and impose their will on the world' during her confirmation hearing when asked about the importance of precedent in a Justice's decision making process. Justice Samuel Alito, who wrote the majority opinion in *Dobbs v. Jackson Women's Health Organization* said "'Roe v. Wade is an important precedent of the Supreme Court. It was decided in 1973, so it has been on the books for a long time,' [...] 'It is a precedent that has now been on the books for several decades. It has been challenged. It has been reaffirmed. But it is an issue that is involved in litigation now at all levels'"[22] during his confirmation hearing when asked about the precedent that is *Roe v. Wade* and its place within the law. . When we see nominees for Justices, who would eventually sit on the high court, contradict their sworn testimony, it makes people wonder just how independent and free from partisan politics the Court is in reality. It begs the question: are nominated Justices willfully lying under oath to congress in order to get nominated to the Court and further their parties political agenda? The ruling in this case perfectly showcases the courts true political nature. With the ruling of

[22] Becky Sullivan, "What Conservative Justices Said — and Didn't Say — about Roe at Their Confirmations," NPR, May 3, 2022, sec. Politics, https://www.npr.org/2022/05/03/1096108319/roe-v-wade-alito-conservative-justices-confirmation-hearings

Dobbs v. Jackson Women's Health Organization now set in place, this sets up a contentious future for the Court and Congress.

On November 29, 2022, both the House of Representatives and Senate passed H.R.8404. Sponsored by Representative Jerry Nadler (D-NY-10), the bill aims to

> "[provide] statutory authority for same-sex and interracial marriages.
>
> Specifically, the bill replaces provisions that define, for purposes of federal law, marriage as between a man and a woman and spouse as a person of the opposite sex with provisions that recognize any marriage between two individuals that is valid under state law. (The Supreme Court held that the current provisions were unconstitutional in United *States v. Windsor* in 2013.)
>
> The bill also replaces provisions that do not require states to recognize same-sex marriages from other states with provisions that prohibit the denial of full faith and credit or any right or claim relating to out-of-state marriages on the basis of sex, race, ethnicity, or national origin. (The Supreme Court held that state laws barring same-sex marriages were unconstitutional in *Obergefell v. Hodges* in 2015; the Court held that state laws barring interracial marriages were unconstitutional in *Loving v. Virginia* in 1967.) The bill allows the Department of Justice to bring a civil action and establishes a private right of action for violations."[23]

Luckily, Congress was able to come to a consensus surrounding *Obergefell v. Hodges* and *Loving v. Virginia*, but what about *Griswold v. Connecticut*, *Lawrence v. Texas*, *Roe v, Wade*, or any of the other cases the Supreme Court has heard that are grounded in the Due Process Clause. Will Congress be able to come to a consensus before the Court could potentially take up cases

[23] "H.R.8404 - Respect for Marriage Act," Congress.gov, n.d., https://www.congress.gov/bill/117th-congress/house-bill/8404/summary/55.

arguing the same issues? Will Congress be able to affirm some of these protections into law? These are the unanswered questions of the future.

Some of the cases rooted in the Due Process Clause are some of the most political debates going on in this country. Abortion, contraceptions, sodomy, etc. so when the Court reverses its rulings, it is igniting a politcal fire across the country. State legislators scrambling to further their majorities political agenda, Governors either in support of or opposing their state legislature, The United States Congress having its own debate and trying to come to a consensus. This is what happens when the Supreme Court reverses years of precedent for what can only be assumed to be political agenda motives.

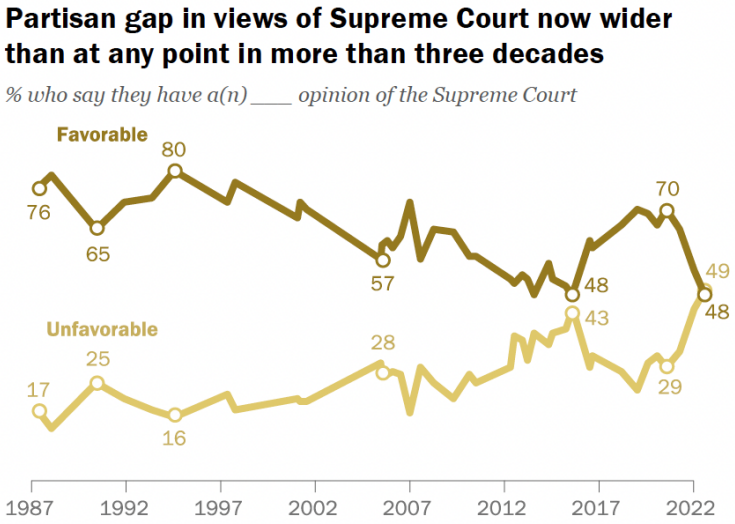
Not only does the Court reversing precedent start a political showdown, but reversing precedent also has major effects on the country's citizens as we have so clearly seen with the reversing of *Roe v. Wade* in *Dobbs v. Jackson Women's Health Organization* with the shutting down of abortion clinics in certain states forcing women who wish to have an abortion to drove to other states in order to have the procedure. Before the ruling in *Dobbs v. Jackson Women's Health Organization*, it was found that "in 2020, 9% of abortions in the United States (81,120 out of 930,160) were obtained by people traveling out of their state of residence"[24] and while there is no fully conclusive data for 2022, experts say that number is only expected to increase. This is only just one of the many examples of the effects that overturning precedent can have on citizens.

Additionally, since its ruling in *Dobbs v. Jackson Women's Health Organization*, the public's view of the Court has taken a nosedive. Figure 1.1 shows that for the first time since The

[24] Isaac Maddow-Zimet and Kathryn Kost, "Even before Roe Was Overturned, Nearly One in 10 People Obtaining an Abortion Traveled across State Lines for Care," Guttmacher Institute, July 19, 2022, https://www.guttmacher.org/article/2022/07/even-roe-was-overturned-nearly-one-10-people-obtaining-abortion-traveled-across.

Pew Research Center has been collecting data for this particular metric, the Court's unfavorable rating is higher than its favorable rating.

Figure 1.1[25]



This figure shows that when the Court makes political rulings, its favorability reading drastically decreases. One key point this graph also shows is that the favorability of court has been on an increase (for the most part) and that this previous term in 2022 which included *Dobbs v. Jackson Women's Health Organization*, *New York State Rifle & Pistol Association. V. Bruen* (a 6-3 ruling allowed citizens to carry concealed weapons outside of their house for protection), *Kennedy V. Bremerton School District* (a 6-3 ruling allowed for a coach to pray at the 50 yard line after a football game) [26], and many other cases involving climate change, immigration, vaccination mandates, was arguably the straw that broke the camel's back for the public that sent

[25] "Positive Views of Supreme Court Decline Sharply Following Abortion Ruling," Pew Research Center - U.S. Politics & Policy, September 1, 2022, https://www.pewresearch.org/politics/2022/09/01/positive-views-of-supreme-court-decline-sharply-following-abortion-ruling/.

[26] Ann E. Marimow, Aadit Tambe, and Adrian Blanco, "How the Supreme Court Ruled in the Major Decisions of 2022," Washington Post, June 30, 2022, https://www.washingtonpost.com/politics/interactive/2022/significant-supreme-court-decisions-2022/.

the favorability rating plummeting and the Court's unfavorability rating to surpass its favorability rating for the first time since 1987.

So why do I think that the Supreme Court is power hungry and a political branch? Well, because that is what history has shown us the branch truly is. As we see in *Marbury v. Madison* and later in *Cooper v. Aaron*, the Court is always looking for power. It is always looking for the opportunity to have more of a say in the nation and grant itself more and more responsibilities. The political aspect of the Court is nothing new. Dating back to *Bush v. Gore* and I am sure in many cases before it, the Court has not been truly free from partisan politics. As I mentioned earlier, it is almost impossible to not let politics enter the chamber in the post political city in the country. The Court truly shows its political side in *Dobbs v. Women's Health Organization* and in some other cases throughout the same term. The future of the Court truly remains a mystery. Will the Court be packed and more Justices added to the court? Should this be the case, this is bound to backfire on whichever party packs the court. Will the Court be able to make rulings without the effect of politics? Who knows. Will Chief Justice John Roberts be able to steer the Court back to its political free ways? Or will he let the extreme majority on the bench pull the Court in one direction without any chance of giving up the pull? Who knows. Now more than ever, a lot of questions remain unanswered about the partisanship of the Court and only time will tell which direction the high court will go.

References

LII / Legal Information Institute. “3 U.S. Code § 5 - Determination of Controversy as to Appointment of Electors,” n.d. https://www.law.cornell.edu/uscode/text/3/5.

Brettschneider, Corey. *Constitutional Law and American Democracy : Cases and Readings*. New York: Wolters Kluwer Law & Business, 2012.

Ballotpedia. “Bush v. Gore,” n.d. https://ballotpedia.org/Bush_v._Gore.

Constitution Annotated. “Fourteenth Amendment | Browse | Constitution Annotated | Congress.gov | Library of Congress.” constitution.congress.gov, n.d. https://constitution.congress.gov/browse/amendment-14/#:~:text=No%20State%20shall%20make%20or.

Congress.gov. “H.R.8404 - Respect for Marriage Act,” n.d. https://www.congress.gov/bill/117th-congress/house-bill/8404/summary/55.

Maddow-Zimet, Isaac, and Kathryn Kost. “Even before Roe Was Overturned, Nearly One in 10 People Obtaining an Abortion Traveled across State Lines for Care.” Guttmacher Institute, July 19, 2022. https://www.guttmacher.org/article/2022/07/even-roe-was-overturned-nearly-one-10-people-obtaining-abortion-traveled-across.

LII / Legal Information Institute. “Mandamus,” 2019. https://www.law.cornell.edu/wex/mandamus.

Marimow, Ann E., Aadit Tambe, and Adrian Blanco. “How the Supreme Court Ruled in the Major Decisions of 2022.” Washington Post, June 30, 2022. https://www.washingtonpost.com/politics/interactive/2022/significant-supreme-court-decisions-2022/.

McGee, Suzanne. “5 Supreme Court Rulings Based on the 14th Amendment.” HISTORY, n.d. https://www.history.com/news/supreme-court-rulings-14th-amendment.

Nix, Elizabeth. “7 Things You Might Not Know about the U.S. Supreme Court.” HISTORY, October 29, 2018. https://www.history.com/news/7-things-you-might-not-know-about-the-u-s-supreme-court.

Pew Research Center - U.S. Politics & Policy. “Positive Views of Supreme Court Decline Sharply Following Abortion Ruling,” September 1, 2022. https://www.pewresearch.org/politics/2022/09/01/positive-views-of-supreme-court-decline-sharply-following-abortion-ruling/.

Sullivan, Becky. “What Conservative Justices Said — and Didn’t Say — about Roe at Their Confirmations.” *NPR*, May 3, 2022, sec. Politics. https://www.npr.org/2022/05/03/1096108319/roe-v-wade-alito-conservative-justices-confirmation-hearings.

The White House. “The Judicial Branch.” The White House, 2021. https://www.whitehouse.gov/about-the-white-house/our-government/the-judicial-branch/.

The New York Times. “Tracking the States Where Abortion Is Now Banned,” October 13, 2022, sec. U.S. https://www.nytimes.com/interactive/2022/us/abortion-laws-roe-v-wade.html.

United States Courts. “About the Supreme Court.” United States Courts, 2019. https://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/about.

Supremecourt.gov, 2022. https://www.supremecourt.gov/about