declared federal income tax illegal – Congress then passed Amendment 16 which made it legal because Congress had the power in the Constitution to tax (however the Supreme Court if they so wished could still overturn this because of precedent of previous cases + in recent politics, all attempts for Congress to overrule the Supreme Court have all failed, e.g. flag burning)

Checks by the President:

- The President nominates the Justice candidates – by choosing Justice candidates of a similar political standing and judicial standing the President can seek to change the balance in the Court – the Court has changed since the 1960s with mostly Democratically nominated Judges by FDR, Truman, Kennedy, Johnson to a court today mostly appointed by Republicans of Reagan, Bush Snr and Bush Jr
- The President can also cast his ‘political weight’ behind a cause – to praise a move by the Supreme Court or condemn it – Eisenhower openly approved Brown v. Board + sent federal troops to Arkansas to enforce this in 1957; equally Bush snr. Opposed the result from Texas v. Johnson (on flag burning) calling the decision ‘wrong. Dead wrong.’

Other Checks:

- Court has no power to begin trials – trials must come to them through the court system (the War Powers Act 1973 has long been seen as unconstitutional, but no one has brought it to the Supreme Court)
- The Court cannot enforce its decisions – e.g. Brown v. Board needed Eisenhower’s troops
- Public Opinion is crucial to the survival of the Court; if the people doubt the court, its legitimacy would be at risk because they are unelected – in modern politics the Court tries to reflect public opinion (which is why 2013 on marriage and gun control is so hard because public opinion is split)
- The Court can check itself – by overturning past decisions of the Court (1989 Court ruled that execution of 16-17 year olds was legal, 14 years later in 2003 this was overturned)

Most Current Supreme Court Cases:

- Missouri v. McNeely (2013) Drunk Driving tests
- Florida v. Jardeens (2013) Does a dog sniffing the door constitute as a ‘search’ under 4th Amd
- Proposition 8/ Gay Marriage TBD
- DNA swabs when under arrest TBD
- Gun Control TBD
- Affirmative Action in School Admissions TBD

Key Decisions of 2011-12:

- Arizona v United States (5-3) on Arizona immigration law
- United States v Alaverez (6-3) Freedom of Speech
- NFIB v Sebelius (5-4) Healthcare – expansion of Medicaid and individual mandate