

The Concurrently Companion



Episode 33: Understanding the U.S. Supreme Court (with Dr. Jesse Merriam)

Topic introduction

Dr. Jesse Merriam joins us to talk about the Supreme Court of the United States: its origins, function, and current expression as we navigate what we're hearing in the news. We're asking: What is a "normal" court? What can and should we expect of the highest court in our land? And what does the Lord expect of us?

Discussion

Key terms: SCOTUS/Supreme Court, constitutional law, judicial review, three branches of government, Articles of Confederation, federal judiciary, Judiciary Act of 1789, party politics, partisanship, The Warren Court, Marbury v. Madison.

Questions

What is SCOTUS? What established it as an institution? What is its intended function?

What does Dr. Merriam mean by "original Constitution" and when was it created?

What is the name of the 1803 decision in which the Supreme Court created "judicial review" and what does it mean? **Go further:** Research this landmark decision for deeper understanding.

What article of the Constitution established the "federal judiciary"? What preceded it?

What has happened over the course of the history of SCOTUS regarding its power versus the powers held by the other branches of government?

What does Dr. Merriam say of the current balance of power? Evaluate: Do you think this is what the Founders intended when establishing SCOTUS? Hint: What did Alexander Hamilton famously state regarding the judicial branch of government?

What did the framers intend to be the most powerful branch? Why? What three symbols reflect the powers of the branches of government? How do they help us understand these powers?

What (in Dr. Merriam's words) is "one of the most disturbing trends of the 21st century" and why?

What hinders society from functioning in a healthy manner?

What type of behavior does Dr. Merriam witness in the court today? Consider: How does the behavior of leaders affect the surrounding society?

What leads to the breakdown of an institution? Of society? What can be done to arrest the breakdown?

What does this mean for our Christian witness? For our expression of citizenship? What do we need to consider first in terms of our citizenship?

How can we, as a part of the church, help shape the culture? What does this mean in your private relationships? At school? How you engage in public life? How do these things connect with the pursuit of justice? (See Micah 6:8.) Write down a few ways that believers can help shape a society—include even the simplest seeming actions on your list.

Recommended resources

The Federalist Papers

How Should We Then Live? by Francis Schaeffer

Government by Judiciary by Raul Berger

Scriptural anchors/provision

Proverbs 21:3 To do righteousness and justice is more acceptable to the Lord than sacrifice.

Isaiah 56:1 Thus says the LORD: “Keep justice, and do righteousness, for soon my salvation will come, and my righteousness be revealed.”

Zechariah 7:9 “Thus says the LORD of hosts, Render true judgments, show kindness and mercy to one another[.]”

Micah 6:8 He has told you, O man, what is good; and what does the LORD require of you but to do justice, and to love kindness, and to walk humbly with your God?

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