

## 4.02 Judicial Review

The role of an appointed judge is much different than that of an elected official. The first difference is the way they get into their position. For an elected official, they have to be elected by the people that they serve. That means they have to spend time campaigning, and hope that they get elected to the position. For an appointed judge, this is not the case. In the case of the Supreme Court, a justice is appointed by the president. Once the nomination is made, the Senate has to confirm this nomination. The second difference is how long they serve. For an elected official, they have fixed terms that they serve. The president serves up to two 4-year terms, Senators serve 6-year terms, and Representatives serve 2-year terms. For an appointed judge, they serve for life, or until the point in which they retire from their position. As different as they seem to be, both appointed judges and elected officials take oaths in which they swear to protect the US constitution. Their goal is to serve the citizens of the country, and to protect their given freedoms and rights. I do not think that federal judges should be elected, it should stay them having to be appointed, because then that would involve them in the whole political mess that surrounds Congress. Instead of being able to focus on doing their job, the judges would have to focus more on doing things that would help them get elected again.

**Judicial review** is the ability for courts to review laws/acts to determine if they are consistent or inconsistent constitutionally. This can be seen in ***Ladue v. Gilleo, 1994***. Margaret Gilleo had a sign placed in her front yard that read "Say No to War in the Persian Gulf, Call Congress Now." The city of Ladue, Missouri, the city in which she lived at the time, had a law against yard signs. They found out about this sign she had up and was told to take it down. She ended up suing the city of Ladue, stating that they were violating her 1st amendment rights. The case first went to the US District Court for the Eastern District of Missouri. The court ruled in her favor, stating that the city could not enforce this law. However, the city appealed. The case then went to the Eight Circuit Court of Appeals, with the same outcome as before. Take a guess at what the city did. If you guessed appealed again, you are correct. They appealed the decision again, and even asked the Supreme Court to review this case. However, to the disappointment of the city of Laude, the Supreme Court unanimously ruled in favor of Ms. Gilleo (decided on June 13th, 1994). The court stated that this law put in place by the city "*almost completely foreclosed a venerable means of communication that is both unique and important.*" Judicial review can be seen throughout this case, as all of the courts determined that this law that was put in place by the city of Laude was in violation of the 1st amendment.

### Sources Used:

"Judicial Review Landmark Cases." *The Judicial Learning Center*, 7 Aug. 2019, [judiciallearningcenter.org/the-power-of-judicial-review](http://judiciallearningcenter.org/the-power-of-judicial-review).

"City of Ladue v. Gilleo." Oyez, [www.oyez.org/cases/1993/92-1856](http://www.oyez.org/cases/1993/92-1856).