Majority Rule Not a Clearly Stated Component of United States Constitution or Supreme Court Decisions-Supreme Court and Judicial Rulings Could Even Be Seen as Advisory Not Binding Based on the US Constitution

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Although we interpret decisions like Dred Scott v. Sanford as showing that 7 of the Justices and Chief Justice Taney ruled that Dred Scott, a black man in about 1850, did not have a right to sue, 2 of the Justices ruled that Dred Scott did have different rights. Similarly, in many decisions of the US Supreme Court, there are different, concurrent, concurring in part, dissenting in part and dissenting opinions given by the courts or Supreme Court.

I want to argue here that we have no reason based on the US Constitution to see only the majority opinion as valuable or as the holding of a case. We can argue that the decisions of any minority of Justices are just as important as the decisions of the majority. As support, please consider the following-

1. There is no statement in Article 3 "The Judicial Branch" section of the U.S. Constitution that the Justices decide by majority rule.

2. There is no statement in Article 3 of the Constitution that the Justices' or any Judicial opinions are not just advisory opinions. That is, there is no statement that we have to abide by what Justice Taney or any judge says. We can interpret opinions as advisory and not binding as there is no statement that opinions have to be binding. On the other hand, we all know that a long system of contempt of court has been established holding that parties are bound by the opinions of courts. Still, contempt does not appear in the US constitution anywhere. There is not a reason in the US Constitution that we cannot interpret decisions as advisory rather than binding.
3. Advisory opinions remove judges from some of the controversies of being responsible for deciding the freedom or death or rights of someone. For example, in Illinois, persons with disability under plenary guardianship are made legally dead following concepts such as Bradshaw v. Lucas 214 IL Ap 218 1919 according to Illinois Probate Law 755 ILCS. An advisory role for judges would remove the role of judges as making people legally dead.

In Illinois, judges do things such as deny phone use, visitation, fresh air from second hand smoke, restoration, going home, religious services, dental services, knowing where family is, consent, chemicals used, caregiver reimbursement, mail, medical records, recitals, museums, zoos, parks, Doctors visits. With judicial decisions as advisory, police or legal or other powers would not rely on the opinions of judicial authorities. Families in Illinois may have To spend 33 months or more to litigate to see or phone or parent, because of judicial and guardians decisions. Advisory rulings remove the power or enforceability of these rulings.

4. States are said to have equal representation in the Senate according to Article 1 Section 3 of the US Constitution. As states have equal representation, we have a constitutional reason to suspect that framers may not have wanted judges to rule by majority rule.
5. The Federalist papers include some discussion of the value of respecting minority rule.

   Majority rule may play a role in the election of a president, but the Constitution does not apply such rule to the Supreme Court or other courts in a stated or clear way.

   Supreme Court decisions may be seen as advisory based on the lack of mention of their role in the US Constitution, but contempt concepts indicate that judicial decisions are supposed to be seen as binding. Many judicial decisions can be seen as advisory, although clearly tradition has seen judicial rulings as binding and enforceable rather than advisory. From the perspective of the US Constitution, we could see the minority opinion of judges or Justices as just as valuable or important as the majority opinion of Justices or judges.

   Liberte fraternite et egalite could mean that each of us, and each judge writing a minority or majority opinion, have rights and valuable opinions not just judges who write majority or solo opinions.

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