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Curriculum Units by Fellows of the National Initiative  
2012 Volume III: The American Presidency

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## **Judges, Presidents, and the People: Who Should Interpret the Constitution?**

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by Daniel S. Holder

In the last twenty years, legal scholars have suggested that the power to interpret the Constitution might not rightly belong to the Supreme Court. Instead, they have argued that it may, in fact, belong to the People! In my unit, I will examine a third voice, that of Presidents, to explore two essential questions: Who should interpret the constitution and whose interpretation matters? In addition to addressing these questions, my unit provides an overview of the historical forces that account for the rise of judicial review. Instead of accepting judicial supremacy as a "fact," the unit challenges students to examine competing views and arguments for why the Supreme Court either should or shouldn't have the authoritative "say" on what the Constitution means.

(Developed for U. S. History, grade 10; recommended for U. S. History, grades 10-11; U. S. Government, grade 11; and Civics, grades 10-11)

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