

Table 2-1 (Continued)

Controversy	Supporting Judicial Review	Opposing Judicial Review
<i>Role of Courts in a Democratic Society:</i> Do courts need the power of judicial review to protect minority interests?	The Court must have the power of judicial review if it is to fulfill its most important constitutional assignment: protection of minority rights. Because legislatures and executives are popularly elected, they reflect the interests of the majority. So that the majority cannot tyrannize a minority, it is necessary for the one branch of government that lacks any electoral connection to have the power of judicial review.	Courts have not always used judicial review to protect minorities: some of the acts they strike down are those that harmed a “privileged class.” For example, in <i>City of Richmond v. J. A. Croson Co.</i> (1989) and <i>Adarand Constructors v. Peña</i> (1995), the justices struck down programs designed to help minority interests.

Source: We adopt this framework from David Adamany, “The Supreme Court,” in *The American Courts: A Critical Assessment*, ed. John B. Gates and Charles A. Johnson (Washington, DC: CQ Press, 1991).