John Marshall has made his decision, now let him enforce it.
President Andrew Jackson Responding to Worcester v. Georgia (1832)

Supreme Court justices hear and decide cases that have broad legal and political significance. For this reason opinions issued by the Court are most meaningful in terms of their substantive impact on society. For Court opinions to garner national impact the cooperation of citizens, organized groups, government officials and various key institutions, including churches, schools, police agencies, the media, and so on is required. These entities must embrace the change that Court decisions command. If public reaction to Supreme Court decisions is decidedly negative, the Court would have suffered an important repudiation. This can translate into a loss of public esteem and decreased legitimacy, the central source of its constitutional power.

The Supreme Court is the glue that binds the nation together. Recent census estimates peg the U.S. population at approximately 303 million, all from diverse ethnic, cultural, and religious backgrounds. Bringing unity and cohesion to a society with such profound internal diversity is a difficult task indeed. Yet the most important governing institution that commands sufficiently high public respect upon which the nation can rely to foster a cohesive society is the Supreme Court. What kind of impact does the Court have? Addressing this question is the centerpiece of this chapter. We focus on the impact of Supreme Court decisions on (1) litigants; (2) the development of legal policy; and (3) society. In doing so, we address these areas:

• Which social entity is usually first and most directly affected by Supreme Court decisions?
• What are the long-term social and political consequences of Court decisions?
• Why are some decisions embraced with faithful implementation and compliance while others are largely ignored?
Defining and Linking Key Concepts

Irrespective of how powerful the Supreme Court is, it must be recognized that the institution cannot escape one important constraint: its decisions are not self-enforcing. The Court must rely on others to effectuate its decisions as President Jackson’s retort to the Supreme Court in the aftermath of its Worcester decision rightly indicates.

We begin our discussion of impact by defining some key concepts: implementation, compliance, and impact. The three concepts are not mutually exclusive; rather they are systematically linked to enable an overall effect of a given Supreme Court decision.

Generally speaking, an action (e.g., a court decision) is said to have an impact on a particular target (high school education in North Carolina) when that action brings about change in the target (e.g., improved test scores in North Carolina). To be sure, the change could be positive or negative, planned or imagined. The target of the action could be any government policy (e.g., capital punishment), any event (e.g., a presidential election), or individual behavior (e.g., criminal trespassing).

We can define implementation as the process of putting into effect the policies or orders announced in Supreme Court decisions. It involves what happens after the Supreme Court speaks and, in particular, the set of activities and policy projects developed to ensure that the Court’s decisions and orders achieve their desired effect. Many actors are involved in the process of implementation, including bureaucratic agencies, police departments, local school boards, prison officials. Because implementation is a complex governmental process, it is never fully complete either for lack of resources or for lack of political will. Realistically, there will always be individuals or groups that stand to lose either directly or indirectly from a Court decision, and so might be motivated to sabotage the Court’s policy objectives rather than to see them come to fruition.

Implementation and impact are, therefore, an important aspect of Supreme Court success because both concepts are closely linked. Implementation is a necessary precondition for impact. Without implementation, it is impossible for justices to achieve the goals they seek and the Court’s policy impact will be severely limited or nonexistent.

Finally, a necessary precursor to impact is compliance, which is the willingness of citizens, groups, and institutions to obey Court directives in order to achieve policy objectives. The relationship between the three concepts is depicted in figure 7.1, which shows a simple logical flow of activities in the impact process. Many actions must take place before impact. Specifically, Court decisions require implementation, which inevitably leads to compliance, which, in turn, leads to impact. The diagram contains a feedback loop to demonstrate that the policy impact of Supreme Court decisions typically invite further litigation, making impact the result of a truly dynamic process.

The Supreme Court decides on many issues each term that are intended to produce change in society. When such change occurs following the