

The United States Supreme Court

“If four of nine will lend an ear; An issue gray will soon be clear.”

The U. S. Supreme Court hears cases at the court’s discretion. Four justices must agree to hear a case before they will accept it. This is known as granting writ of certiorari. The court often takes cases where the issue(s) have been decided in diverse ways by various lower courts - both state and federal.

The U.S. Supreme Court is the chief authority of the judicial branch of government. It hears decisions from the lower federal courts and state supreme courts, and it resolves issues of constitutional and federal law. It is the ultimate authority in constitutional interpretation, and its decisions can only be changed by a constitutional amendment. All federal courts must abide by the Supreme Court’s decisions, but the Supreme Court cannot interpret state law or issues arising under state constitutions. It cannot supervise state court operations.

Nine judges sit on the Court - one chief justice and eight associate justices. They are appointed for life by the President of the United States, but the U.S. Senate must approve each appointment with a majority vote.

The goal of the Supreme Court is to decide cases that raise a question about the Constitution. The Court will decide if a law or action violates the Constitution. This is known as judicial review. With review, the Court can invalidate both federal and state laws that conflict with interpretation of the Constitution. Therefore, the Court has a pivotal role in American politics -as referees among the branches of government and as the ultimate authority for many of the most important issues in the country - from the economy to business, to freedom of speech and religion. For example, in *Brown v. Board of Education* (1954), the decision affected the life of every American.

The U.S. Supreme Court was established in 1789 with the Judiciary Act. Given authority under the U.S. Constitution, it is equal to the executive and legislative branches of government. In the Constitution, the U.S. Supreme Court was given the authority to review broad classes of cases. In *Marbury v. Madison* (1803), the Court gave itself the power to strike down unconstitutional acts of government and created judicial review - the system of checks and balances that safeguards Americans from government abuses of power.

The U.S. Supreme Court has two types of power: appellate (power to hear appeals of cases decided in lower federal courts and state supreme courts) and original jurisdiction (where the Court issues the most far-reaching constitutional decisions and major rulings involving federal law - this is rarely used). Appellate cases include seven types:

- * Cases arising under the Constitution, federal law, or treaty.
- * Those involving admiralty and maritime matters.
- * Those in which the U.S. is a party.
- * Cases between two or more states.
- * Cases between citizens of the same state if they are disputing ownership of land given by different states.
- * Cases between a state and individuals or foreign countries.
- * Cases between citizens of different states and foreign countries.

The Supreme Court has the power of judicial review - the right to declare laws unconstitutional. This power was given expressly by the U.S. Constitution in 1803. This power is real and often controversial since the Court decides what the Constitution means.

The U.S. Constitution does not specify the number of Supreme Court justices. In 1789, the Court consisted of five justices. They traveled through the countryside to hear cases in federal circuit courts. A sixth seat was added in 1790, and a seventh in 1809. The eighth and ninth seats were added in 1837 and stayed at nine until 1863, when a tenth seat was added but abolished in 1865. In 1867, Congress limited the number to seven justices but restored the number to nine in 1869. In 1891, Congress abolished the circuit riding responsibilities of the justices. Since then, the number of justices has remained fixed at nine - making a tie vote among justices unlikely.

Most justices have served as lawyers prior to being appointed to the Supreme Court. Most pursued legal and political careers before serving on the Court. Many were members of Congress, governors, or members of presidential cabinets. One was a president - William Howard Taft. Some came from private law practice, others were professors. Many of the justices in the late 20th century had judicial experience in lower courts.

Justices are appointed by the President and must be confirmed by a majority vote in the U.S. Senate. The president chooses nominees carefully because they must have a strong chance for confirmation. He/she also often chooses prospective justices based on geographic and regional background, religion, race, ethnicity, and gender. The first African American justice was Thurgood Marshall (1967). The first woman justice was Sandra Day O'Connor (1981). Today, the Court's membership reflects a diverse variety of ethnic, racial, religious, and geographic backgrounds.

Confirmation hearings are of great interest - they are either quiet affairs or high political dramas that grip the nation. Once appointed, justices serve for the remainder of their lives, unless they elect to step down. Once on the Court, they remove themselves from politics and do not speak publicly about controversial issues or pending legislation. They can make public speeches confined to subjects related to the law in general and the federal court system, and usually follow the American Bar Association (ABA) Code of Judicial Conduct. They can be removed by impeachment. Only one justice on the national level, Samuel Chase, was impeached in 1804/05 for improper outbursts during a trial, but the U.S. Senate did not convict him.

The Supreme Court only hears a tiny fraction of the cases that come before it. If the Court declines to hear a case, the decision of the lower court is the law. Usually, the Court will hear around 7,000 cases per session. The session begins the first Monday in October and usually runs through the end of June. The Court does not always meet in formal sessions during its nine-month term.

Instead, it has four related activities:

- * Time allocated to reading thousands of petitions for review of cases that come annually to the Court.
- * Blocks of time for oral arguments - live discussions with lawyers.
- * Private discussions of how each justice will vote on the case heard.
- * Time for writing their opinions - statements of what the justices have decided and their reasoning in the case.

The chief justice presides at justice conferences and assigns a justice to write opinions. The chief justice is the spokesperson for the Court and the federal judicial system. He/she supervises the Court's budget and staff. But in terms of deciding cases, the chief and associate justices are equals.