

# A Brief Overview of the Supreme Court

## The Supreme Court of the United States

*One First Street, NE, Washington, DC 20543   Phone: 202-479-3211*

### *Members:*

Chief Justice of the United States	JOHN G. ROBERTS, JR.
Associate Justices	ANTHONY M. KENNEDY
	CLARENCE THOMAS
	RUTH BADER GINSBURG
	STEPHEN G. BREYER
	SAMUEL A. ALITO, JR.
	SONIA SOTOMAYOR
	ELENA KAGAN
	NEIL M. GORSUCH
Retired Justices	SANDRA DAY O'CONNOR
	DAVID H. SOUTER
	JOHN PAUL STEVENS

The Supreme Court consists of the Chief Justice of the United States and such number of Associate Justices as may be fixed by Congress. The number of Associate Justices is currently fixed at eight (28 U. S. C. §1). Power to nominate the Justices is vested in the President of the United States, and appointments are made with the advice and consent of the Senate. Article III, §1, of the Constitution further provides that "[t]he Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office."

### *Officers:*

Counselor to the Chief Justice	JEFFREY P. MINEAR
Clerk	SCOTT HARRIS
Librarian	LINDA MASLOW
Marshal	PAMELA TALKIN
Reporter of Decisions	CHRISTINE L. FALLON
Court Counsel	ETHAN TORREY

Curator  
Director of Information Technology  
Public Information Officer

CATHERINE E. FITTS  
ROBERT J. HAWKINS  
KATHLEEN L. ARBERG

Court Officers assist the Court in the performance of its functions. They include the Counselor to the Chief Justice, the Clerk, the Librarian, the Marshal, the Reporter of Decisions, the Court Counsel, the Curator, the Director of Information Technology, and the Public Information Officer. The Counselor is appointed by the Chief Justice. The Clerk, Reporter of Decisions, Librarian, and Marshal are appointed by the Court. All other Court Officers are appointed by the Chief Justice in consultation with the Court.

***Constitutional Origin.*** Article III, §1, of the Constitution provides that "[t]he judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish." The Supreme Court of the United States was created in accordance with this provision and by authority of the Judiciary Act of September 24, 1789 (1 Stat. 73). It was organized on February 2, 1790.

***Jurisdiction.*** According to the Constitution (Art. III, §2):

"The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;-to all Cases affecting Ambassadors, other public Ministers and Consuls;-to all Cases of admiralty and maritime Jurisdiction;-to Controversies to which the United States shall be a Party;-to Controversies between two or more States;—between a State and Citizens of another State;-between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

"In all Cases affecting Ambassadors, other public ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make."

Appellate jurisdiction has been conferred upon the Supreme Court by various statutes, under the authority given Congress by the Constitution. The basic statute effective at this time in conferring and controlling jurisdiction of the Supreme Court may be found in 28 U. S. C. §1251 et seq., and various special statutes.

***Rulemaking Power.*** Congress has from time to time conferred upon the Supreme Court power to prescribe rules of procedure to be followed by the lower courts of the United States. See 28 U. S. C. §2071 et seq.

***The Building.*** The Supreme Court is open to the public from 9 a.m. to 4:30 p.m., Monday through Friday. It is closed Saturdays, Sundays, and the federal legal holidays listed in 5 U. S. C. §6103. Unless the Court or the Chief Justice orders otherwise, the Clerk's Office is open from 9 a.m. to 5 p.m., Monday through Friday, except on those holidays. The Library is open to members of the Bar of the Court, attorneys for the various federal departments and agencies, and Members of Congress.

***The Term.*** The Term of the Court begins, by law, on the first Monday in October and lasts until the first Monday in October of the next year. Approximately 7,000-8000 petitions are filed with the Court in the course of a Term. In addition, some 1,200 applications of various kinds are filed each year that can be acted upon by a single Justice.

## Biographies of Current Justices of the Supreme Court



**John G. Roberts, Jr., Chief Justice of the United States,**

was born in Buffalo, New York, January 27, 1955. He married Jane Marie Sullivan in 1996 and they have two children - Josephine and Jack. He received an A.B. from Harvard College in 1976 and a J.D. from Harvard Law School in 1979. He served as a law clerk for Judge Henry J. Friendly of the United States Court of Appeals for the Second Circuit from 1979–1980 and as a law clerk for then-Associate Justice William H. Rehnquist of the Supreme Court of the United States during the 1980 Term. He was Special Assistant to the Attorney General, U.S. Department of Justice from 1981–1982, Associate Counsel to President Ronald Reagan, White House Counsel's Office from 1982–1986, and Principal Deputy Solicitor General, U.S. Department of Justice from 1989–1993. From 1986–1989 and 1993–2003, he practiced law in Washington, D.C. He was appointed to the United States Court of Appeals for the District of Columbia Circuit in 2003. President George W. Bush nominated him as Chief Justice of the United States, and he took his seat September 29, 2005.



**Anthony M. Kennedy, Associate Justice,**

was born in Sacramento, California, July 23, 1936. He married Mary Davis and has three children. He received his B.A. from Stanford University and the London School of Economics, and his LL.B. from Harvard Law School. He was in private practice in San Francisco, California from 1961–1963, as well as in Sacramento, California from 1963–1975. From 1965 to 1988, he was a Professor of Constitutional Law at the McGeorge School of Law, University of the Pacific. He has served in numerous positions during his career, including a member of the California Army National Guard in 1961, the board of the Federal Judicial Center from 1987–1988, and two committees of the Judicial Conference of the United States: the Advisory Panel on Financial Disclosure Reports and Judicial Activities, subsequently renamed the Advisory Committee on Codes of Conduct, from 1979–1987, and the Committee on Pacific Territories from 1979–1990, which he chaired from 1982–1990. He was appointed to the United States Court of Appeals for the Ninth Circuit in 1975. President Reagan nominated him as an Associate Justice of the Supreme Court, and he took his seat February 18, 1988.



**Clarence Thomas, Associate Justice,**

was born in the Pinpoint community near Savannah, Georgia on June 23, 1948. He attended Conception Seminary from 1967-1968 and received an A.B., cum laude, from Holy Cross College in 1971 and a J.D. from Yale Law School in 1974. He was admitted to law practice in Missouri in 1974, and served as an Assistant Attorney General of Missouri, 1974-1977; an attorney with the Monsanto Company, 1977-1979; and Legislative Assistant to Senator John Danforth, 1979-1981. From 1981-1982 he served as Assistant Secretary for Civil Rights, U.S. Department of Education, and as Chairman of the U.S. Equal Employment Opportunity Commission, 1982-1990. From 1990-1991, he served as a Judge on the United States Court of Appeals for the District of Columbia Circuit. President Bush nominated him as an Associate Justice of the Supreme Court and he took his seat October 23, 1991. He married Virginia Lamp on May 30, 1987 and has one child, Jamal Adeen by a previous marriage.



**Ruth Bader Ginsburg, Associate Justice,**

was born in Brooklyn, New York, March 15, 1933. She married Martin D. Ginsburg in 1954, and has a daughter, Jane, and a son, James. She received her B.A. from Cornell University, attended Harvard Law School, and received her LL.B. from Columbia Law School. She served as a law clerk to the Honorable Edmund L. Palmieri, Judge of the United States District Court for the Southern District of New York, from 1959-1961. From 1961-1963, she was a research associate and then associate director of the Columbia Law School Project on International Procedure. She was a Professor of Law at Rutgers University School of Law from 1963-1972, and Columbia Law School from 1972-1980, and a fellow at the Center for Advanced Study in the Behavioral Sciences in Stanford, California from 1977-1978. In 1971, she was instrumental in launching the Women's Rights Project of the American Civil Liberties Union, and served as the ACLU's General Counsel from 1973-1980, and on the National Board of Directors from 1974-1980. She was appointed a Judge of the United States Court of Appeals for the District of Columbia Circuit in 1980. President Clinton nominated her as an Associate Justice of the Supreme Court, and she took her seat August 10, 1993.



**Stephen G. Breyer, Associate Justice,**

was born in San Francisco, California, August 15, 1938. He married Joanna Hare in 1967, and has three children - Chloe, Nell, and Michael. He received an A.B. from Stanford University, a B.A. from Magdalen College, Oxford, and an LL.B. from Harvard Law School. He served as a law clerk to Justice Arthur Goldberg of the Supreme Court of the United States during the 1964 Term, as a Special Assistant to the Assistant U.S. Attorney General for Antitrust, 1965–1967, as an Assistant Special Prosecutor of the Watergate Special Prosecution Force, 1973, as Special Counsel of the U.S. Senate Judiciary Committee, 1974–1975, and as Chief Counsel of the committee, 1979–1980. He was an Assistant Professor, Professor of Law, and Lecturer at Harvard Law School, 1967–1994, a Professor at the Harvard University Kennedy School of Government, 1977–1980, and a Visiting Professor at the College of Law, Sydney, Australia and at the University of Rome. From 1980–1990, he served as a Judge of the United States Court of Appeals for the First Circuit, and as its Chief Judge, 1990–1994. He also served as a member of the Judicial Conference of the United States, 1990–1994, and of the United States Sentencing Commission, 1985–1989. President Clinton nominated him as an Associate Justice of the Supreme Court, and he took his seat August 3, 1994.



**Samuel Anthony Alito, Jr., Associate Justice,**

was born in Trenton, New Jersey, April 1, 1950. He married Martha-Ann Bomgardner in 1985, and has two children - Philip and Laura. He served as a law clerk for Leonard I. Garth of the United States Court of Appeals for the Third Circuit from 1976–1977. He was Assistant U.S. Attorney, District of New Jersey, 1977–1981, Assistant to the Solicitor General, U.S. Department of Justice, 1981–1985, Deputy Assistant Attorney General, U.S. Department of Justice, 1985–1987, and U.S. Attorney, District of New Jersey, 1987–1990. He was appointed to the United States Court of Appeals for the Third Circuit in 1990. President George W. Bush nominated him as an Associate Justice of the Supreme Court, and he took his seat January 31, 2006.



**Sonia Sotomayor, Associate Justice,**

was born in Bronx, New York, on June 25, 1954. She earned a B.A. in 1976 from Princeton University, graduating summa cum laude and receiving the university's highest academic honor. In 1979, she earned a J.D. from Yale Law School where she served as an editor of the Yale Law Journal. She served as Assistant District Attorney in the New York County District Attorney's Office from 1979–1984. She then litigated international commercial matters in New York City at Pavia & Harcourt, where she served as an associate and then partner from 1984–1992. In 1991, President George H.W. Bush nominated her to the U.S. District Court, Southern District of New York, and she served in that role from 1992–1998. She served as a judge on the United States Court of Appeals for the Second Circuit from 1998–2009. President Barack Obama nominated her as an Associate Justice of the Supreme Court on May 26, 2009, and she assumed this role August 8, 2009.



**Elena Kagan, Associate Justice,**

was born in New York, New York, on April 28, 1960. She received an A.B. from Princeton in 1981, an M. Phil. from Oxford in 1983, and a J.D. from Harvard Law School in 1986. She clerked for Judge Abner Mikva of the U.S. Court of Appeals for the D.C. Circuit from 1986–1987 and for Justice Thurgood Marshall of the U.S. Supreme Court during the 1987 Term. After briefly practicing law at a Washington, D.C. law firm, she became a law professor, first at the University of Chicago Law School and later at Harvard Law School. She also served for four years in the Clinton Administration, as Associate Counsel to the President and then as Deputy Assistant to the President for Domestic Policy. Between 2003 and 2009, she served as the Dean of Harvard Law School. In 2009, President Obama nominated her as the Solicitor General of the United States. A year later, the President nominated her as an Associate Justice of the Supreme Court on May 10, 2010. She took her seat on August 7, 2010.



**Neil M. Gorsuch, Associate Justice,**

was born in Denver, Colorado, August 29, 1967. He and his wife Louise have two daughters. He received a B.A. from Columbia University, a J.D. from Harvard Law School, and a D.Phil. from Oxford University. He served as a law clerk to Judge David B. Sentelle of the United States Court of Appeals for the District of Columbia Circuit, and as a law clerk to Justice Bryon White and Justice Anthony M. Kennedy of the Supreme Court of the United States. From 1995-2005, he was in private practice, and from 2005-2006 he was Principal Deputy Associate Attorney General at the U.S. Department of Justice. He was appointed to the United States Court of Appeals for the Tenth Circuit in 2006. He served on the Standing Committee on Rules for Practice and Procedure of the U.S. Judicial Conference, and as chairman of the Advisory Committee on Rules of Appellate Procedure. He taught at the University of Colorado Law School. President Donald J. Trump nominated him as an Associate Justice of the Supreme Court, and he took his seat on April 10, 2017.



**Sandra Day O'Connor (Retired), Associate Justice,**

was born in El Paso, Texas, March 26, 1930. She married John Jay O'Connor III in 1952 and has three sons - Scott, Brian, and Jay. She received her B.A. and LL.B. from Stanford University. She served as Deputy County Attorney of San Mateo County, California from 1952-1953 and as a civilian attorney for Quartermaster Market Center, Frankfurt, Germany from 1954-1957. From 1958-1960, she practiced law in Maryvale, Arizona, and served as Assistant Attorney General of Arizona from 1965-1969. She was appointed to the Arizona State Senate in 1969 and was subsequently reelected to two two-year terms. In 1975 she was elected Judge of the Maricopa County Superior Court and served until 1979, when she was appointed to the Arizona Court of Appeals. President Reagan nominated her as an Associate Justice of the Supreme Court, and she took her seat September 25, 1981. Justice O'Connor retired from the Supreme Court on January 31, 2006.



**David H. Souter (Retired), Associate Justice,**

was born in Melrose, Massachusetts, September 17, 1939. He graduated from Harvard College, from which he received his A.B. After two years as a Rhodes Scholar at Magdalen College, Oxford, he received an A.B. in Jurisprudence from Oxford University and an M.A. in 1989. After receiving an LL.B. from Harvard Law School, he was an associate at Orr and Reno in Concord, New Hampshire from 1966 to 1968, when he became an Assistant Attorney General of New Hampshire. In 1971, he became Deputy Attorney General and in 1976, Attorney General of New Hampshire. In 1978, he was named an Associate Justice of the Superior Court of New Hampshire, and was appointed to the Supreme Court of New Hampshire as an Associate Justice in 1983. He became a Judge of the United States Court of Appeals for the First Circuit on May 25, 1990. President Bush nominated him as an Associate Justice of the Supreme Court, and he took his seat October 9, 1990. Justice Souter retired from the Supreme Court on June 29, 2009.



**John Paul Stevens (Retired), Associate Justice,**

was born in Chicago, Illinois, April 20, 1920. He married Maryan Mulholland (deceased), and has four children - John Joseph, Kathryn, Elizabeth Jane, and Susan Roberta. He received an A.B. from the University of Chicago, and a J.D. from Northwestern University School of Law. He served in the United States Navy from 1942–1945, and was a law clerk to Justice Wiley Rutledge of the Supreme Court of the United States during the 1947 Term. He was admitted to law practice in Illinois in 1949. He was Associate Counsel to the Subcommittee on the Study of Monopoly Power of the Judiciary Committee of the U.S. House of Representatives, 1951–1952, and a member of the Attorney General’s National Committee to Study Antitrust Law, 1953–1955. He was Second Vice President of the Chicago Bar Association in 1970. From 1970–1975, he served as a Judge of the United States Court of Appeals for the Seventh Circuit. President Ford nominated him as an Associate Justice of the Supreme Court, and he took his seat December 19, 1975. Justice Stevens retired from the Supreme Court on June 29, 2010.



# The Court as an Institution

The Constitution elaborated neither the exact powers and prerogatives of the Supreme Court nor the organization of the Judicial Branch as a whole. Thus, it was left to Congress and to the Justices of the Court through their decisions to develop the Federal Judiciary and a body of Federal law.

The establishment of a Federal Judiciary was a high priority for the new government, and the first bill introduced in the United States Senate became the Judiciary Act of 1789. The act divided the country into 13 judicial districts, which were, in turn, organized into three circuits: the Eastern, Middle, and Southern. The Supreme Court, the country's highest judicial tribunal, was to sit in the Nation's Capital, and was initially composed of a Chief Justice and five Associate Justices. For the first 101 years of the Supreme Court's life—but for a brief period in the early 1800's—the Justices were also required to “ride circuit,” and hold circuit court twice a year in each judicial district.



The Supreme Court first assembled on February 1, 1790, in the Merchants Exchange Building in New York City—then the Nation's Capital. Chief Justice John Jay was, however, forced to postpone the initial meeting of the Court until the next day since, due to transportation problems, some of the Justices were not able to reach New York until February 2.

The earliest sessions of the Court were devoted to organizational proceedings. The first cases reached the Supreme Court during its second year, and the Justices handed down their first opinion in 1792.

During its first decade of existence, the Supreme Court rendered some significant decisions and established lasting precedents. However, the first Justices complained of the Court's limited stature; they were also concerned about the burdens of “riding circuit” under primitive travel conditions. Chief Justice John Jay resigned from the Court in 1795 to become Governor of New York and, despite the pleading of President John Adams, could not be persuaded to accept reappointment as Chief Justice when the post again became vacant in 1800.

Consequently, shortly before being succeeded in the White House by Thomas Jefferson, President Adams appointed John Marshall of Virginia to be the fourth Chief Justice. This appointment was to have a significant and lasting effect on the Court and the country. Chief Justice Marshall's vigorous and able leadership in the formative years of the Court was central to the development of its prominent role in American government. Although his immediate predecessors had served only briefly, Marshall remained on the Court for 34 years and five months and several of his colleagues served for more than 20 years.

Members of the Supreme Court are appointed by the President subject to the approval of the Senate. To ensure an independent Judiciary and to protect judges from partisan pressures, the Constitution provides that judges serve during “good Behaviour,” which has generally meant life terms. To further assure their independence, the Constitution provides that judges' salaries may not be diminished while they are in office.

The number of Justices on the Supreme Court changed six times before settling at the present total of nine in 1869. Since the formation of the Court in 1790, there have been only 16 Chief Justices\* and 97 Associate Justices, with Justices serving for an average of 15 years. Despite this important institutional continuity, the Court has had periodic infusions

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\*Since five Chief Justices had previously served as Associate Justices, there have been 108 Justices in all. This included former Justice John Rutledge, who was appointed Chief Justice under an interim commission during a recess of Congress and served for only four months in 1795. When the Senate failed to confirm him, his nomination was withdrawn; however, since he held the office and performed the judicial duties of Chief Justice, he is properly regarded as an incumbent of that office.

of new Justices and new ideas throughout its existence; on average a new Justice joins the Court every 22 months. President Washington appointed the six original Justices and before the end of his second term had appointed four other Justices. During his long tenure, President Franklin D. Roosevelt came close to this record by appointing eight Justices and elevating Justice Harlan Fiske Stone to be Chief Justice.

[The foregoing was taken from a booklet prepared by the Supreme Court of the United States, and published with funding from the Supreme Court Historical Society.]

# The Court and Constitutional Interpretation

“The  
republic  
endures  
and this  
is the  
symbol of  
its faith.”

—CHIEF JUSTICE  
CHARLES EVANS HUGHES

*Cornerstone Address—  
Supreme Court  
Building*

“EQUAL JUSTICE UNDER LAW”—These words, written above the main entrance to the Supreme Court Building, express the ultimate responsibility of the Supreme Court of the United States. The Court is the highest tribunal in the Nation for all cases and controversies arising under the Constitution or the laws of the United States. As the final arbiter of the law, the Court is charged with ensuring the American people the promise of equal justice under law and, thereby, also functions as guardian and interpreter of the Constitution.

The Supreme Court is “distinctly American in concept and function,” as Chief Justice Charles Evans Hughes observed. Few other courts in the world have the same authority of constitutional interpretation and none have exercised it for as long or with as much influence. A century and a half ago, the French political observer Alexis de Tocqueville noted the unique position of the Supreme Court in the history of nations and of jurisprudence. “The representative system of government has been adopted in several states of Europe,” he remarked, “but I am unaware that any nation of the globe has hitherto organized a judicial power in the same manner as the Americans. . . . A more imposing judicial power was never constituted by any people.”

The unique position of the Supreme Court stems, in large part, from the deep commitment of the American people to the Rule of Law and to constitutional government. The United States has demonstrated an unprecedented determination to preserve and protect its

written Constitution, thereby providing the American “experiment in democracy” with the oldest written Constitution still in force.

The Constitution of the United States is a carefully balanced document. It is designed to provide for a national government sufficiently strong and flexible to meet the needs of the republic, yet sufficiently limited and just to protect the guaranteed rights of citizens; it permits a balance between society’s need for order and the individual’s right to freedom. To assure these ends, the Framers of the Constitution created three independent and coequal branches of government. That this Constitution has provided continuous democratic government through the periodic stresses of more than two centuries illustrates the genius of the American system of government.

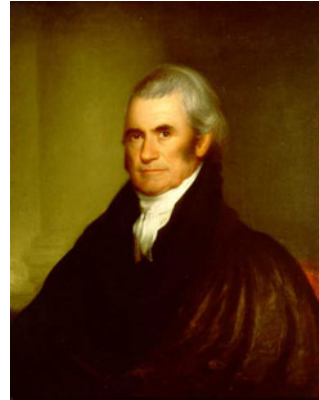
The complex role of the Supreme Court in this system derives from its authority to invalidate legislation or executive actions which, in the Court’s considered judgment, conflict with the Constitution. This power of “judicial review” has given the Court a crucial responsibility in assuring individual rights, as well as in maintaining a “living Constitution” whose broad provisions are continually applied to complicated new situations.

While the function of judicial review is not explicitly provided in the Constitution, it had been anticipated before the adoption of that document. Prior to 1789, state courts had already overturned legislative acts which conflicted with state constitutions. Moreover, many of the Founding Fathers expected the Supreme Court to assume this role in regard to the Constitution; Alexander Hamilton and James Madison, for example, had underlined the importance of judicial review in the *Federalist Papers*, which urged adoption of the Constitution.

Hamilton had written that through the practice of judicial review the Court ensured that the will of the whole people, as expressed in their Constitution, would be supreme over the will of a legislature, whose statutes might express only the temporary will of part of the people. And Madison had written that constitutional interpretation must be left to the reasoned judgment of independent judges, rather than to the tumult and conflict of the political process. If every constitutional question were to be decided by public political bargaining, Madison argued, the Constitution would be reduced to a battleground of competing factions, political passion and partisan spirit.

Despite this background the Court's power of judicial review was not confirmed until 1803, when it was invoked by Chief Justice John Marshall in *Marbury v. Madison*. In this decision, the Chief Justice asserted that the Supreme Court's responsibility to overturn unconstitutional legislation was a necessary consequence of its sworn duty to uphold the Constitution. That oath could not be fulfilled any other way. "It is emphatically the province of the judicial department to say what the law is," he declared.

In retrospect, it is evident that constitutional interpretation and application were made necessary by the very nature of the Constitution. The Founding Fathers had wisely worded that document in rather general terms leaving it open to future elaboration to meet changing conditions. As Chief Justice Marshall noted in *McCulloch v. Maryland*, a constitution that attempted to detail every aspect of its own application "would partake of the prolixity of a legal code, and could scarcely be embraced by the human mind. . . . Its nature, therefore, requires that only its great outlines should be marked, its important objects designated, and the minor ingredients which compose those objects be deduced from the nature of the objects themselves."



The Constitution limits the Court to dealing with "Cases" and "Controversies." John Jay, the first Chief Justice, clarified this restraint early in the Court's history by declining to advise President George Washington on the constitutional implications of a proposed foreign policy decision. The Court does not give advisory opinions; rather, its function is limited only to deciding specific cases.

The Justices must exercise considerable discretion in deciding which cases to hear, since more than 10,000 civil and criminal cases are filed in the Supreme Court each year from the various state and federal courts. The Supreme Court also has "original jurisdiction" in a very small number of cases arising out of disputes between States or between a State and the Federal Government.

When the Supreme Court rules on a constitutional issue, that judgment is virtually final; its decisions can be altered only by the rarely used procedure of constitutional amendment or by a new ruling of the Court. However, when the Court interprets a statute, new legislative action can be taken.

Chief Justice Marshall expressed the challenge which the Supreme Court faces in maintaining free government by noting: "We must never forget that it is a *constitution* we are expounding . . . intended to endure for ages to come, and consequently, to be adapted to the various *crises* of human affairs."

[The foregoing was taken from a booklet prepared by the Supreme Court of the United States, and published with funding from the Supreme Court Historical Society.]

## The Court and Its Procedures

A Term of the Supreme Court begins, by statute, on the first Monday in October. Usually Court sessions continue until late June or early July. The Term is divided between “sittings,” when the Justices hear cases and deliver opinions, and intervening “recesses,” when they consider the business before the Court and write opinions. Sittings and recesses alternate at approximately two-week intervals.

With rare exceptions, each side is allowed 30 minutes argument and up to 24 cases may be argued at one sitting. Since the majority of cases involve the review of a decision of some other court, there is no jury and no witnesses are heard. For each case, the Court has before it a record of prior proceedings and printed briefs containing the arguments of each side.

During the intervening recess period, the Justices study the argued and forthcoming cases and work on their opinions. Each week the Justices must also evaluate more than 130 petitions seeking review of judgments of state and federal courts to determine which cases are to be granted full review with oral arguments by attorneys.

When the Court is sitting, [public sessions](#) begin promptly at 10 a.m. and continue until 3 p.m., with a one-hour lunch recess starting at noon. No public sessions are held on Thursdays or Fridays. On Fridays during and preceding argument weeks, the Justices meet to discuss the argued cases and to discuss and vote on petitions for review.

When the Court is in session, the 10 a.m. entrance of the Justices into the Courtroom is announced by the Marshal. Those present, at the sound of the gavel, arise and remain standing until the robed Justices are seated following the traditional chant: “The Honorable, the Chief Justice and the Associate Justices of the Supreme Court of the United States. Oyez! Oyez! Oyez! All persons having business before the Honorable, the Supreme Court of the United States, are admonished to draw near and give their attention, for the Court is now sitting. God save the United States and this Honorable Court!”

Prior to hearing oral argument, other business of the Court is transacted. On Monday mornings this includes the release of an [Order List](#), a public report of Court actions including the acceptance and rejection of cases, and the admission of new members to the Court Bar. Opinions are typically released on Tuesday and Wednesday mornings and on the third Monday of each sitting, when the Court takes the Bench but no arguments are heard.

The Court maintains this schedule each Term until all cases ready for submission have been heard and decided. In May and June the Court sits only to announce orders and opinions. The Court recesses at the end of June, but the work of the Justices is unceasing. During the summer they continue to analyze new petitions for review, consider motions and applications, and must make preparations for cases scheduled for fall argument.

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## **The Justices' Caseload**

The Court's caseload has increased steadily to a current total of more than 10,000 cases on the docket per Term. The increase has been rapid in recent years. In 1960, only 2,313 cases were on the docket, and in 1945, only 1,460. Plenary review, with oral arguments by attorneys, is granted in about 100 cases per Term. Formal written opinions are delivered in 80 to 90 cases. Approximately 50 to 60 additional cases are disposed of without granting plenary review. The publication of a Term's written opinions, including concurring opinions, dissenting opinions, and orders, approaches 5,000 pages. Some opinions are revised a dozen or more times before they are announced.

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# Visitor's Guide to the Supreme Court

The Supreme Court is the highest tribunal in the nation for all cases and controversies arising under the Constitution or the laws of the United States. The Court stands as the final arbiter of the law and guardian of constitutional liberties. Its charge, emblazoned over the doors of this building, is to ensure “equal justice under law.”

The Supreme Court is “distinctly American in concept and function,” as Chief Justice Charles Evans Hughes observed. Few other courts in the world have the same authority of constitutional interpretation and none have exercised it for as long or with as much influence.

This building, majestic in size and rich in ornamentation, serves as both home to the Court and the manifest symbol of its importance as a coequal, independent branch of government.

It surprises many visitors to learn the Supreme Court was not provided with its own building until 1935, the 146th year of its existence. Until then, the Court had sat in various locations, including in the U.S. Capitol. Finally in 1929, Chief Justice William Howard Taft, who had been President of the United States from 1909 to 1913, persuaded Congress to authorize the construction of a permanent home for the Court.

Architect Cass Gilbert designed the building in a classical Corinthian architectural style to create harmony with nearby congressional buildings. Its design details depict both American and legal themes. Some highlights include:

- The statues of seated figures on the sides of the front stairway, created by sculptor James Earle Fraser. On the left is a female figure, the *Contemplation of Justice*. On the right is a male figure, the *Guardian or Authority of Law*.
- An architrave above the 16 marble columns at the front entrance, on which is inscribed the famous phrase “Equal Justice Under Law.”
- The bronze doors at the West front entrance, each of which weighs six and one-half tons. The door panels, sculpted by John Donnelly, Jr., depict historic scenes in the development of law.
- The grand corridor leading to the Courtroom, known as the Great Hall. Busts of all former Chief Justices are set alternately in niches and on marble pedestals along the side walls. The frieze is decorated with medallion profiles of lawgivers and heraldic devices.
- The Court Chamber, measuring 82 by 91 feet and rising 44 feet to a coffered ceiling. It is flanked by 24 marble columns. The raised Bench, behind which the Justices sit during sessions, and other furniture in the Courtroom are mahogany. Overhead, along all four sides of the Chamber, are sculpted marble panels depicting legal themes and famous lawgivers.
- The statue of John Marshall, the fourth Chief Justice, located at the end of the Lower Great Hall on the ground floor. Sculpted by William Wetmore Story in 1883, the statue stood on the west lawn of the U.S. Capitol until 1981, when it was moved to the Court.
- The two marble and bronze spiral staircases. Each ascends five stories and is supported only by the overlapping steps and their extensions into the wall. Few others exist in the world.



## **Listening to Oral Argument**

Beginning the first Monday in October, the Court generally hears two one-hour arguments a day, at 10 a.m. and 11 a.m., with occasional afternoon sessions scheduled as necessary. Arguments are held on Mondays, Tuesdays, and Wednesdays in two-week intervals through late April (with longer breaks during December and February).

An oral argument usually lasts one hour, with an attorney for each side of a case given 30 minutes to make a presentation to the Court and answer questions posed by the Justices.

Visitors are invited to attend oral arguments, but seating is limited and on a first-come, first-seated basis. Before a session begins, two lines form on the plaza in front of the building. One is for those who wish to attend an entire argument. The other is a three-minute line for those who wish to observe the Court in session for a brief time. The locations for these lines are marked with signs and there is a police officer on duty to answer your questions.

In mid-May, after the oral argument portion of the Term has concluded, the Court takes the Bench Mondays at 10 a.m. for the release of orders and opinions. This practice continues until all the cases heard during the Term are decided, usually the last week in June. These sessions, which typically last between 15 and 30 minutes, are also open to the public. Copies of the Court's opinions are available from the Public Information Office on the ground floor approximately 30 minutes after they are announced from the Bench.



## The Court and Its Traditions

For all of the changes in its history, the Supreme Court has retained so many traditions that it is in many respects the same institution that first met in 1790, prompting one legal historian to call it, “the first Court still sitting.”

Recent Justices have perpetuated the tradition of longevity of tenure. Justice Hugo Black served for 34 years and one month prior to his retirement in 1971. In October 1973, Justice William O. Douglas surpassed the previous longevity record of Justice Stephen J. Field, who had served for 34 years and six months from 1863 to 1897. When Justice Douglas retired on November 12, 1975, he had served a total of 36 years and six months.

As is customary in American courts, the nine Justices are seated by seniority on the Bench. The Chief Justice occupies the center chair; the senior Associate Justice sits to his right, the second senior to his left, and so on, alternating right and left by seniority.

Since at least 1800, it has been traditional for Justices to wear black robes while in Court. Chief Justice Jay, and apparently his colleagues, lent a colorful air to the earlier sessions by wearing robes with a red facing, somewhat like those worn by early colonial and English judges. The Jay robe of black and salmon is now in the possession of the Smithsonian Institution.

Initially, all attorneys wore formal “morning clothes” when appearing before the Court. Senator George Wharton Pepper of Pennsylvania often told friends of the incident he provoked when, as a young lawyer in the 1890’s, he arrived to argue a case in “street clothes.” Justice Horace Gray was overheard whispering to a colleague, “Who is that beast who dares to come in here with a grey coat?” The young attorney was refused admission until he borrowed a “morning coat.” Today, the tradition of formal dress is followed only by Department of Justice and other government lawyers, who serve as advocates for the United States Government.

Quill pens have remained part of the Courtroom scene. White quills are placed on counsel tables each day that the Court sits, as was done at the earliest sessions of the Court. The “Conference handshake” has been a tradition since the days of Chief Justice Melville W. Fuller in the late 19th century. When the Justices assemble to go on the Bench each day and at the beginning of the private Conferences at which they discuss decisions, each Justice shakes hands with each of the other eight. Chief Justice Fuller instituted the practice as a reminder that differences of opinion on the Court did not preclude overall harmony of purpose.

The Supreme Court has a traditional seal, which is similar to the Great Seal of the United States, but which has a single star beneath the eagle’s claws—symbolizing the Constitution’s creation of “one Supreme Court.” The Seal of the Supreme Court of the United States is kept in the custody of the Clerk of the Court and is stamped on official papers, such as certificates given to attorneys newly admitted to practice before the Supreme Court. The seal now used is the fifth in the Court’s history.

[The foregoing was taken from a booklet prepared by the Supreme Court of the United States, and published with funding from the Supreme Court Historical Society.]

# The Court Building

“The Republic endures and this is the symbol of its faith.” These words, spoken by Chief Justice Charles Evans Hughes in laying the cornerstone for the Supreme Court Building on October 13, 1932, express the importance of the Supreme Court in the American system.



Yet surprisingly, despite its role as a coequal branch of government, the Supreme Court was not provided with a building of its own until 1935, the 146th year of its existence.

Initially, the Court met in the Merchants Exchange Building in New York City. When the National Capital moved to Philadelphia in 1790, the Court moved with it, establishing Chambers first in the State House (Independence Hall) and later in the City Hall.

When the Federal Government moved, in 1800, to the permanent Capital, Washington, the District of Columbia, the Court again moved with it. Since no provision had been made for a Supreme Court Building, Congress lent the Court space in the new Capitol Building. The Court was to change its meeting place a half dozen times within the Capitol. Additionally, the Court convened for a short period in a private house after the British set fire to the Capitol during the War of 1812. Following this episode, the Court returned to the Capitol and met from 1819 to 1860 in a chamber now restored as the “Old Supreme Court Chamber.” Then from 1860 until 1935, the Court sat in what is now known as the “Old Senate Chamber.”

Finally in 1929, Chief Justice William Howard Taft, who had been President of the United States from 1909 to 1913, persuaded Congress to end this arrangement and authorize the construction of a permanent home for the Court. Architect Cass Gilbert was charged by Chief Justice Taft to design “a building of dignity and importance suitable for its use as the permanent home of the Supreme Court of the United States.”

Neither Taft nor Gilbert survived to see the Supreme Court Building completed. Construction proceeded under the direction of Chief Justice Hughes and architects Cass Gilbert, Jr., and John R. Rockart. The construction, begun in 1932, was completed in 1935, when the Court was finally able to occupy its own building.

The classical Corinthian architectural style was selected because it best harmonized with nearby congressional buildings. The building was designed on a scale in keeping with the importance and dignity of the Court and the Judiciary as a coequal, independent branch of the United States Government, and as a symbol of “the national ideal of justice in the highest sphere of activity.”

The general dimensions of the foundation are 385 feet from east to west, (front to back) and 304 feet from north to south. At its greatest height, the building rises four stories above the terrace or ground floor. Marble was chosen as the principal material to be used and \$3 million worth was gathered from foreign and domestic quarries. Vermont marble was used for the exterior, while the four inner courtyards are of crystalline flaked, white Georgia marble. Above the basement level, the walls and floors of all corridors and entrance halls are either wholly or partially of creamy Alabama marble. The wood in offices throughout the building, such as doors, trim, paneled walls, and some floors, is American quartered white oak.

The Court Building cost less than the \$9,740,000 Congress authorized for its construction. Not only was the final and complete cost of the building within the appropriation, but all furnishings were also procured, even though planners had initially expected that the project would require additional appropriations. Upon completion of the project, \$94,000 was returned to the Treasury.

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## Touring the Building

The main entrance to the Supreme Court Building is on the west side, facing the United States Capitol. A few low steps lead up to the 252-foot-wide oval plaza in front of the building. Flanking these steps is a pair of marble candelabra with carved panels on their square bases depicting: [Justice](#), holding sword and scales, and *The Three Fates*, weaving the thread of life. On either side of the plaza are fountains, flagpoles, and benches.

The bronze flagpole bases are crested with symbolic designs of the scales and sword, the book, the mask and torch, the pen and mace, and the four elements: air, earth, fire, and water.

On either side of the main steps are seated marble figures. These large statues are the work of sculptor James Earle Fraser. On the left is a female figure, the *Contemplation of Justice*. On the right is a male figure, the *Guardian or Authority of Law*.

Sixteen marble columns at the main west entrance support the pediment. On the architrave above is incised "[Equal Justice Under Law](#)." Capping the entrance is a sculptured group by Robert Aitken, representing *Liberty Enthroned* guarded by *Order and Authority*. On either side are groups of three figures depicting *Council* and *Research* which Aitken modelled after several prominent individuals concerned with the law or the creation of the Supreme Court Building. At the left are Chief Justice Taft as a youth, Secretary of State Elihu Root, and the architect Cass Gilbert. Seated on the right are Chief Justice Hughes, the sculptor Aitken, and Chief Justice Marshall as a young man.

Too often, visitors do not see the corresponding pediment and columns on the east side. Here the sculpture group is by Hermon A. MacNeil, and the marble figures represent great lawgivers, *Moses*, *Confucius*, and *Solon*, flanked by symbolic groups representing *Means of Enforcing the Law*, *Tempering Justice with Mercy*, *Settlement of Disputes Between States*, and *Maritime* and other functions of the Supreme Court. The architrave bears the legend: "[Justice the Guardian of Liberty](#)."

One can enter the building through the opened [bronze doors](#) of the west front, each of which weighs six and one-half tons and slides into a wall recess when open. The door panels, sculpted by John Donnelly, Jr., depict historic scenes in the development of law: the trial scene from the shield of Achilles, as described in the *Iliad*; a Roman *praetor* publishing an edict; Julian and a pupil; Justinian publishing the *Corpus Juris*; King John sealing the Magna Carta; the Chancellor publishing the first Statute of Westminster; Lord Coke barring King James from sitting as a Judge; and Chief Justice Marshall and Justice Story.

The main corridor is known as the Great Hall. At each side, double rows of monolithic marble columns rise to a coffered ceiling. Busts of all former Chief Justices are set alternately in niches and on marble pedestals along the side walls. The [frieze](#) is decorated with medallion profiles of lawgivers and heraldic devices.

At the east end of the Great Hall, oak doors open into the Court Chamber. This dignified room measures 82 by 91 feet and has a 44-foot ceiling. Its 24 columns are Old Convent Quarry Siena marble from Liguria, Italy; its walls and friezes are of Ivory Vein marble from Alicante, Spain; and its floor borders are Italian and African marble.

The raised Bench behind which the Justices sit during sessions, and other furniture in the Courtroom are mahogany. The Bench was altered in 1972 from a straight-line to a "winged" shape to provide sight and sound advantages over the original design.

At the left of the Bench is the Clerk of the Court's desk. The Clerk is responsible for the administration of the Court's dockets and argument calendars, the supervision of the admission of attorneys to the Supreme Court Bar, and other related activities. To the right is the desk of the Marshal of the Court. The Marshal is the timekeeper of Court sessions, signalling the lawyer by white and red lights as to time limits. The Marshal's responsibilities include the maintenance and security of the building and serving as the Court's building manager.

The attorneys arguing cases before the Court occupy the tables in front of the Bench. When it is their turn to argue, they address the Bench from the lectern in the center. A bronze railing divides the public section from that reserved for the Supreme Court Bar.

Representatives of the press are seated in the red benches along the left side of the Courtroom. The red benches on the right are reserved for guests of the Justices. The black chairs in front of those benches are for the officers of the Court and visiting dignitaries.

The main floor is largely occupied by the Justices' Chambers, offices for law clerks and secretaries, the large, formal East and West Conference Rooms, the offices of the Marshal, an office for the Solicitor General, the Lawyers' Lounge, and the Justices' Conference Room and Robing Room. This office space surrounds four courtyards, each with a central fountain.

Most of the second floor is devoted to office space including the offices of the Reporter of Decisions and the Legal Office. The Justices' Library Reading Room and the Justices' Dining Room are also located here.

The Library occupies the third floor and has a collection of more than 450,000 volumes. To meet the informational needs of the Court, librarians draw on electronic retrieval systems and their microform collection in addition to books. The library's main reading room is paneled in hand carved oak. The wood carving here, as throughout the building, is the work of the Matthews Brothers.

The ground floor is devoted to offices and public services, including the offices of the Clerk of the Court, the Administrative Assistant to the Chief Justice, police headquarters, the Public Information Office and Press Room, the Curator's Office and the Personnel Office. On this floor visitors can view one of the two marble spiral staircases. Each ascends five stories and is supported only by overlapping steps and by their extensions into the wall.

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