



The Supreme Court of the United States

The Supreme Court of the United States was established with the writing of Article III of the United States Constitution in 1787 and was brought into being with the ratification of the Constitution two years later in 1789. The Supreme Court has a total of nine members. Eight members are known as justices, and there is one chief justice whose job is to move the court along, get the other eight justices to cooperate, coordinate which cases will be heard and to determine who will write the majority and minority opinions.

The Supreme Court is largely an appellate court. Cases that have exhausted the state and federal appeals process and contain pressing constitutional issues can be granted “cert” or certiorari, which means the Court will review the case.

An early Supreme Court decision, *Marbury vs. Madison*, established the Supreme Court’s duty and power of judicial review. This means that the Court has the ability to declare laws passed by Congress and signed by the President of the United States “unconstitutional” if they do not meet the requirements of the U.S. Constitution. The power of judicial review is the final check and balance of power among the three branches of the federal government.

The nine justices are given lifetime positions so long as they “hold their offices during Good behaviour” (U.S. Constitution Article III Section 1), meaning that they hold their positions so long as they commit no crimes or lapses in moral behavior that would force a guilty verdict as the result of an impeachment hearing. Justices are nominated by the president whenever a seat becomes vacant due to retirement or death.

The Constitution states that the United States Senate must offer “Advice and Consent” before a Supreme Court nominee becomes a justice. This means Senate must approve all nominees with a majority vote with at least 51 senators voting to confirm the nominee. The Senate is permitted to hold hearings and question a nominee on anything they wish — from their rulings in cases, to their academic record, to their judicial philosophy to various aspects of personal life. In recent history, these hearings have been broadcast live on television and radio.