

JUDICIAL BRANCH

THE SUPREME COURT OF THE UNITED STATES

*United States Supreme Court Building
One First Street NE., Washington, DC 20543
Phone, 202-479-3000*

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Associate Justices

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Article III, section 1, of the Constitution of the United States 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.

The Supreme Court comprises the Chief Justice of the United States and such number of Associate Justices as may be fixed by Congress. Under that authority, and by virtue of act of June 25, 1948 (28 U.S.C. 1), the number of Associate Justices is eight. 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, section 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.” A Justice may, if so desired, retire at the age of 70 after serving for 10 years as a Federal judge or at age 65 after 15 years of service.

The Clerk, the Reporter of Decisions, the Librarian, and the Marshal are appointed by the Court to assist in the performance of its functions. Other Court officers, including the Administrative Assistant, the Court Counsel, the Curator, the Director of Data Systems, and the Public Information Officer, are appointed by the Chief Justice to assist him with the administrative aspects of his position.

The library is open to members of the bar of the Court, attorneys for the various Federal departments and agencies, and Members of Congress. Only members of the bar of the Court may practice before the Supreme Court.

The term of the Court begins, by law, the first Monday in October of each year and continues as long as the business before the Court requires, usually until about the end of June. Six members constitute a quorum. Approximately 7,000 cases are passed upon 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.

Jurisdiction According to the Constitution (art. III, sec. 2), “[t]he 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, 1253, 1254, 1257–1259, and various special statutes. Congress has no authority to change the original jurisdiction of this Court.

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. Pursuant to these statutes there are now in force rules promulgated by the Court to govern civil and criminal cases in the district courts, bankruptcy proceedings, admiralty cases, appellate proceedings, and the trial of misdemeanors before U.S. magistrate judges.

For further information concerning the Supreme Court, contact the Public Information Office, United States Supreme Court Building, One First Street NE., Washington, DC 20543. Phone, 202-479-3211.

Lower Courts

Article III of the Constitution declares, in section 1, that the judicial power of the United States shall be invested in one Supreme Court and in “such inferior Courts as the Congress may from time to time ordain and establish.” The Supreme Court has held that these constitutional courts “. . . share in the exercise of the judicial power defined in that section, can be invested with no other jurisdiction, and have judges who hold

office during good behavior, with no power in Congress to provide otherwise.”

United States Courts of Appeals The courts of appeals are intermediate appellate courts created by act of March 3, 1891 (28 U.S.C. ch. 3), to relieve the Supreme Court of considering all appeals in cases originally decided by the Federal trial courts. They are empowered to review all final decisions and certain