

The U.S. Supreme Court: History, Structure, and Influence

The U.S. Supreme Court was **created by the Constitution** but shaped by early legislation. Article III of the Constitution (1787) “vested” the federal judicial power “in one Supreme Court” law.cornell.edu, but left details (such as size and procedures) to Congress. In September 1789 Congress passed the Judiciary Act of 1789, establishing the federal court system. That Act fixed the Supreme Court at six justices (one Chief Justice and five associates) and defined its original and appellate jurisdiction archives.gov archives.gov. The Court first assembled in New York in 1790 supremecourt.gov. Over time Congress changed the number of justices (setting it as low as 7 or high as 10 for political reasons) before fixing it at nine in 1869 britannica.com archives.gov. The Supreme Court building’s opening in Washington, D.C. in 1935 (and later the Evarts Act of 1891) further cemented the Court’s role in American government.

Structure and Role

The Supreme Court today consists of **nine justices** (one Chief Justice and eight Associates) judiciary.senate.gov. Justices are **nominated by the President** and must be **confirmed by the U.S. Senate by majority vote** supremecourt.gov. The Constitution imposes no formal requirements (such as age, education or legal background) supremecourt.gov, though in practice all have been experienced lawyers or judges. Once confirmed, justices hold office “during good Behaviour” (generally interpreted as life tenure) law.cornell.edu, removable only by impeachment for “high Crimes and Misdemeanors.” This life tenure is intended to insulate judges from political pressures, as Article III explicitly forbids diminishing their salary while in office law.cornell.edu.

The Chief Justice of the United States is selected in the same manner as the others (presidential nomination and Senate confirmation) supremecourt.gov. The Chief Justice leads the Court’s conferences and, if in the majority, assigns who will write the Court’s opinion in a case. The Chief also has important administrative duties: for example, the Chief Justice presides over the Judicial Conference of the United States, which sets policy for the federal courts uscourts.gov. In rare instances the Chief Justice presides over presidential impeachment trials in the Senate. Otherwise, all justices have equal votes. A quorum of at least six justices is required to decide a case. By longstanding tradition, the Court sits in two-week argument

cycles from October through late spring and resolves a few hundred cases per term, most on appeal via *certiorari*.

The Supreme Court has **limited original jurisdiction** in a few types of cases (e.g. disputes between states or involving ambassadors) as specified in Article III law.cornell.edu . In all other federal cases, the Court acts as a final **appellate court**. It hears appeals on important questions of federal or constitutional law from lower federal courts or, in certain circumstances, state supreme courts. Because Congress controls lower-court jurisdiction (as implied by Article III and realized in the 1789 Act archives.gov), only cases of broad significance are heard. Decisions of the Supreme Court are binding on all lower courts.

Judicial Review and Powers

Judicial Review: One of the Supreme Court's most critical powers – the authority to invalidate laws that conflict with the Constitution – was established early on. In *Marbury v. Madison* (1803), Chief Justice John Marshall declared that it is “emphatically the province and duty of the judicial department to say what the law is,” and famously wrote, “A law repugnant to the Constitution is void” archives.gov . Although the Constitution itself does not explicitly grant the courts



this power, Marshall's opinion completed the system of checks and balances by giving the judiciary the final say on the meaning of the Constitution archives.gov fjc.gov . Since *Marbury*, the Supreme Court has repeatedly struck down federal and state laws that violate the Constitution or federal law. As the National Archives notes, this role “has never been seriously challenged” and is a cornerstone of American law archives.gov .

In practical terms, judicial review means the Supreme Court can interpret the Constitution and decide cases under it archives.gov fjc.gov . Its rulings can invalidate legislation or executive actions as unconstitutional, though enforcement of decisions generally requires the political branches (for example, the President must comply with Court orders). Over two centuries, this power has shaped American governance, from the expansion of civil rights to limits on federal and state authority. (Notably, *Marbury* itself was the first time the Court ever voided an act of Congress archives.gov .) Later landmark cases continued this tradition: for example, *Brown v. Board of Education* (1954) used judicial review to strike down state laws establishing racially segregated public schools archives.gov , and *Obergefell v. Hodges* (2015) struck down state bans on same-sex marriage as violating the Fourteenth Amendment supreme.justia.com .

Landmark Cases

Over its history, the Supreme Court has decided many watershed cases. A few key examples illustrate its impact:

- **Brown v. Board of Education (1954):** The Warren Court unanimously held that racially “separate but equal” public schools violated the Equal Protection Clause of the 14th Amendment [archives.gov](#) . This decision overturned the *Plessy v. Ferguson* (1896) precedent and led to the desegregation of schools. As the National Archives summary explains, *Brown* “signal[ed] the end of legalized racial segregation in the schools” and helped ignite the civil rights movement [archives.gov](#) .
- **Roe v. Wade (1973)** (overturned 2022): For decades, *Roe* recognized a constitutional right to abortion. In *Roe*, the Court held that the Due Process Clause of the Fourteenth Amendment protects a woman’s decision to terminate a pregnancy before fetal viability [reproductiverights.org](#) . In practical terms, *Roe* invalidated many state abortion restrictions. (That precedent was upheld in *Planned Parenthood v. Casey* (1992).) *Roe* was a focal point of controversy, and in June 2022 the Court overruled it in *Dobbs v. Jackson Women’s Health Organization*. As the National Constitution Center notes, *Dobbs* held by a 5–4 vote that “the Constitution does not confer a right to abortion” and explicitly **overruled** *Roe* and *Casey* [constitutioncenter.org](#) . The *Dobbs* decision returned the issue of abortion regulation to the states and elected representatives, dramatically shifting U.S. law on reproductive rights [constitutioncenter.org](#) [reproductiverights.org](#) .
- **Obergefell v. Hodges (2015):** The Court held that the Fourteenth Amendment requires all states to license and recognize marriages between two people of the same sex [supremejustia.com](#) . This 5–4 ruling made same-sex marriage legal nationwide. The *Obergefell* majority emphasized that marriage is a fundamental liberty protected by the Constitution, and that bans on same-sex marriage violated equal protection and due process [supremejustia.com](#) . (Its effects remain binding law, as *Obergefell* was not overturned by later decisions.)
- **Other seminal cases:** The Court’s history includes *Marbury v. Madison* (1803) establishing judicial review [archives.gov](#) , *Gideon v. Wainwright* (1963) guaranteeing counsel for criminal defendants, *Miranda v. Arizona* (1966) requiring police warnings to suspects, *United States v. Nixon* (1974) limiting presidential immunity, *Citizens United v. FEC* (2010) on political speech, and *Shelby County v. Holder* (2013) scaling back parts of the Voting Rights Act. Each has reshaped law in its domain. (Above all, *Marbury* and *Brown* are often cited as the most foundational for the Court’s role and civil rights, respectively.)

The significance of these decisions is vast: *Brown* overturned deeply entrenched state laws, *Roe* and *Obergefell* established broad personal rights, and *Dobbs* dramatically altered four decades of settled precedent. They show how the Supreme Court can extend or retract rights

under the Constitution, often with profound societal impact [archives.gov](https://www.archives.gov)

[supreme.justia.com](https://www.supreme.justia.com)

[constitutioncenter.org](https://www.constitutioncenter.org) .

Recent Developments and Current Composition

Today's Court is shaped by recent appointments and rulings. As of 2025 the Court has **six justices appointed by Republican presidents** and three by Democratic presidents. The conservative bloc consists of Chief Justice John Roberts (nominated by George W. Bush, 2005) and Justices Clarence Thomas (Bush, 1991), Samuel Alito (Bush, 2006), Neil Gorsuch (Trump, 2017), Brett Kavanaugh (Trump, 2018), and Amy Coney Barrett (Trump, 2020). The three liberal justices are Sonia Sotomayor (Obama, 2009), Elena Kagan (Obama, 2010), and Ketanji Brown Jackson (Biden, 2022). This six-to-three majority of Republican appointees is widely characterized as a **conservative super-majority**, with the "six Republican appointees" typically voting together on high-profile issues against the three "Democratic appointees" [nysba.org](https://www.nysba.org) . (Associate Justice Antonin Scalia's 2016 death – leading to Justice Barrett's 2020 nomination – made the Court reliably 6–3 on many cases.)

In recent terms the Court's **major rulings** have reflected this composition. In June 2023, for example, the Court held in *Students for Fair Admissions v. Harvard* (and a companion case with UNC) that race-based affirmative action in college admissions is unconstitutional, stating that race "cannot be a factor" in admissions [apnews.com](https://www.apnews.com) . In June 2022, the Court issued *West Virginia v. EPA*, limiting federal agencies' power to regulate greenhouse gases (striking down the EPA's climate rule as beyond its authority). And of course in June 2022 *Dobbs* overturned *Roe* (as noted above). Other recent decisions include *Kennedy v. Bremerton School District* (2022), which allowed a public school coach to lead prayers with students, and *303 Creative LLC v. Elenis* (2023), which protected a website designer's refusal to create gay wedding sites under free speech. In addition, the Court's "shadow docket" of emergency orders (for example on COVID-19 and election cases) has drawn attention and criticism in recent years.

Currently Chief Justice Roberts often serves as a swing vote or moderate conservative, but the six justice majority has often prevailed. Major new cases in 2023–24 include challenges to various administrative and civil rights laws. The Court's ideological balance and recent

decisions have made it a central player in policy debates, from voting rights to regulatory power.

Public Perception and Influence

Public trust in the Supreme Court has **declined** in recent years, amid controversial decisions and perceived politicization. Gallup polling shows that by 2023 only about **41% of Americans approved** of the Supreme Court's job performance (near a record low) and **49% expressed trust and confidence** in the Court news.gallup.com. These approval ratings slipped significantly after the Court upheld a restrictive Texas abortion law in 2021 and again after *Dobbs* in 2022 news.gallup.com. Notably, only about one-third of Democrats currently say they have confidence in the Court, compared to higher trust among Republicans news.gallup.com. In 2024 Gallup found that confidence in the judiciary has fallen to historic lows under the Biden administration, reflecting partisan perceptions and reactions to high-profile rulings news.gallup.com news.gallup.com.

Several controversies have fueled criticism of the Court's legitimacy. News investigations into some justices' outside income, travel, and gifts – most prominently *ProPublica* reports on Justices Clarence Thomas and Samuel Alito – have raised questions about ethics. In Congress and the public, there are calls for reforms: for example, a September 2023 Politico/Morning Consult poll found **75% of voters (across parties) support a binding code of ethics for justices**, and **68% favor imposing term limits** on the Court politico.com politico.com. Critics also target the Court's **shadow-docket practices** (issuing major rulings without full briefing or oral argument) and what some see as a conservative activist bent on "hot-button" issues. (The New York State Bar has observed that on topics like abortion, gun rights, or environmental regulation, the six conservative justices often vote as a bloc opposing the three liberals nysba.org.)

Nevertheless, the Court remains a hugely influential institution. Its decisions set binding law for the entire country, shaping policy on voting, civil rights, regulation, and social issues. Even when unpopular, the Court's rulings can transform government: landmark cases often spur new legislation (for example, Congress passed the Voting Rights Act in response to *Wesberry v. Sanders* and *Reynolds v. Sims*). The Court's role as final arbiter means that its interpretations – whether expanding or constraining rights – fundamentally steer U.S. law and society.

Comparative Insight

By comparison with other countries, the U.S. Supreme Court is distinctive in having broad **judicial review** power and life-tenured justices. In the **United Kingdom**, the (relatively new) UK Supreme Court was created in 2009 and has 12 justices (replacing the House of Lords' judicial functions) commonslibrary.parliament.uk . It is the final appellate court for all UK jurisdictions (civil cases nationwide and criminal cases in England, Wales, and Northern Ireland)

commonslibrary.parliament.uk . However, due to the doctrine of parliamentary sovereignty, it *cannot* overrule Acts of Parliament; it may interpret statutes or declare incompatibility with the Human Rights Act, but ultimate legislative authority rests with Parliament commonslibrary.parliament.uk

In **Canada**, the Supreme Court of Canada (established 1875) is the final court of appeal for federal and provincial matters. It has nine justices (including at least three from Quebec) scc-csc.ca , appointed by the federal government (formally by the Governor General) and serving until age 75 scc-csc.ca . Since the Canadian Charter of Rights and Freedoms was enacted in 1982, the Court has had a power similar to the U.S. Supreme Court's to invalidate federal or provincial laws that violate the Charter. (Until 1949 Canadian appeals could be taken to the British Privy Council scc-csc.ca .)

Germany has a very different setup. Its Federal Constitutional Court (Bundesverfassungsgericht) is **separate** from the ordinary court system and deals exclusively with constitutional law. Created after World War II, it has 16 judges in two "senates" of eight britannica.com , elected by supermajorities of the legislature (half by the Bundestag, half by the Bundesrat). Justices serve a single 12-year term britannica.com . The Court's authority includes abstract judicial review: it can strike down federal or state laws that contravene the Basic Law (Germany's constitution) britannica.com . It can also hear individual constitutional complaints and even ban political parties that violate democratic principles britannica.com . Unlike the U.S. Supreme Court, the German Federal Constitutional Court is not an appeals court in general; it rules directly on constitutional issues, and other courts must refer constitutional questions to it britannica.com .

In summary, while many democracies have high courts, the U.S. Supreme Court's combination of life tenure, broad judicial review, and final appellate jurisdiction is relatively unique. High courts elsewhere often have fixed terms, no power over primary legislation (as in the UK), or split responsibilities (as in Germany with separate constitutional and ordinary courts).

Sources: Authoritative court websites, constitutional texts, and reputable news and academic analyses have been used throughout (citations provided). This report draws on historical records, official Supreme Court materials, and recent surveys to present a detailed overview of the Court's origins, structure, powers, and role in American life supremecourt.gov law.cornell.edu

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