

THE JUDICIAL BRANCH: The Supreme Court

Use those facts! Read about some famous events in the history of the Supreme Court. Use the information from page 1 to answer the questions.

1. In an 1803 court decision called *Marbury v. Madison*, Supreme Court Justice John Marshall wrote an important description of the Supreme Court's power over the other two branches of government. Marshall declared that the court's job was to uphold the U.S. Constitution. So, the judicial branch could undo any laws passed by Congress that violated the U.S. Constitution. What Supreme Court power was Justice Marshall describing in this statement?

Marshall was describing the power of judicial review.

2. The Constitution created the Supreme Court but left it up to Congress to decide how many justices there should be. In 1789, Congress decided there should be six justices. In 1807, Congress increased the number of justices to seven. In 1869, Congress increased it again, to the size the court is today. How many justices usually sit on the Supreme Court today?

There are usually nine justices.

3. Several justices have served on the Supreme Court for more than 30 years. For example, William O. Douglas was appointed by President Franklin Roosevelt in 1939. Douglas served on the court for 36 years before retiring in 1975. How long are Supreme Court justices allowed to stay on the court?

There are no term limits for justices. They serve until their death, retirement, or removal by impeachment.

4. In 1972, the Supreme Court decided a case called *Fuentes v. Shevin*. Only seven justices ruled in the case, with 4 justices supporting Fuentes and 3 supporting Shevin. Was this enough to allow Fuentes to win the case?

Yes. As long as there are at least six justices voting, the majority wins.

5. In 2016, Supreme Court Justice Antonin Scalia died, leaving an empty seat on the court. Congress decided not to hold hearings right away to approve a replacement. As a result, the Supreme Court had only eight members for more than a year. What would happen if their votes on a case were evenly divided, with four votes on each side?

In cases where justices split 4–4, the lower court's ruling would stand as the final decision.

Bonus activity:

Research the current Supreme Court justices. List each name, which president nominated each justice, and how long each justice has served.