

How has the supreme court evolved over its history



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History and Political Science 28 March The Supreme Court The U. S. Supreme Court is truly the founder of constitutional justice in the world. Since 1790, when the Supreme Court held its first session, it has been issuing thousands of motivated decisions on various matters from the state powers and privileges to the civil rights and freedom of the media. Despite the fact that many of these decisions are little known to the general public and do not cause its special interest, some of them are really outstanding in terms of the impact they had on the development of America. Its decision in the case of Marbury v. Madison is often called the most important in the history of the U. S. Supreme Court as it has introduced into practice the concept of judicial review and granted authority to determine the constitutionality of legislative acts and executive orders. The Supreme Court established that a federal law is more important than a state law. Its decisions have become one of the causes of the American Civil War, abolition of racial segregation and legalization of abortion.

According to the U. S. Constitution “ the 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”. This and many other provisions are included in Article 3, which alone contains the list of duties and prerogatives of the Supreme Court. This organ of the federal government was not touched in any of the twenty-five Amendments adopted in 1791-1971. The functions of the Supreme Court were specified in the Constitution very sketchy while the rights and functions of the legislative power, exercised by Congress, and executive power, exercised by the President, are very clear.

The Supreme Court took on the role of the higher national arbitrator during <https://assignbuster.com/how-has-the-supreme-court-evolved-over-its-history/>

the 19th century. It was vested with the authority to affirm, check for errors or even annul not only the decisions of the lower federal courts but also the decisions of the federal, state and municipal authorities. The U. S. Constitution does not detail how many justices should be in the Supreme Court, leaving it to the discretion of Congress. Initially, it decided to appoint six justices. Subsequently, the composition of the court consisted of 10 justices but it sometimes happened that their number was reduced to five. Typically, precise number of justices was defined just to ensure the effective work of the court. Now nine justices are appointed; one of them is the Chief Justice. All of them, in principle, are irremovable and can remain in office for life in case of “ good behavior”. Many American constitutional law experts argue that Congress has power to introduce age limit for justices or limit their tenure to a specific term. But the lawmakers have not taken such decisions so far. Therefore, new openings are possible only in case of justices’ death, impeachment, voluntary resignation or retirement. New candidates are proposed by the U. S. President and need to be confirmed by Senate. The process of confirmation has undergone many specific changes which became a tradition. In 1873, for the first time in history, the Senate conducted an investigation of a candidate’s antecedents. In 1916 it set open hearing for discussion of a candidate. A candidate came before the members of the Senate Judiciary Committee in 1925. In 1930 the Senate allowed all interested social organization to participate in the hearings. Since 1956 all the candidates have been questioned by the American Association of Judges. In 1981 it was decided to broadcast the hearings on TV.

The Supreme Court demonstrates very tight intertwining of law and policy.

Nevertheless, different surveys show that 62% of Americans approve of the <https://assignbuster.com/how-has-the-supreme-court-evolved-over-its-history/>

way the Supreme Court is doing its job. The Supreme Court Approval rating has never dropped lower than 46% in recent decades, which is quite good for a state institution. For more than two centuries, the Supreme Court acts as a partner of the other federal authorities and is involved in policy formulation and implementation. The Court has been repeatedly used by the ruling circles as a political stabilizer, which serves to calm tensions caused by irresponsible, from their point of view, political actions of the other state authorities. Obviously, the Supreme Court will play a distinctive role in the future of America.

References

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