

1

The Supreme Court: An Institutional Perspective

The material in this chapter provides an overview of the Supreme Court as an institution from a largely historical perspective. Table 1-1 offers a chronology of the Court's history with a look at its decisions and its personnel changes and at various unusual and noteworthy events.

Although we have attempted to be reasonably detailed in compiling the contents of this table, readers will note that more recent events appear with greater frequency than events of earlier years. For example, we provide at least one entry for each of the past six decades; by contrast, an entry appears for only half of the 14 years between the Constitutional Convention and the ascension of John Marshall to the chief justiceship in 1801. To be sure, this may reflect a recency bias. More likely, though, it demonstrates the greater importance of the modern Court as a national policymaker (see Table 1-2).

Tables 1-3, 1-4, and 1-5 outline and specify the major legislation enacted by Congress to implement its constitutional powers concerning the federal judiciary in general and the Supreme Court in particular. As Table 1-3 indicates, this legislation typically addresses the number of justices and the scope of the Court's jurisdiction. Tables 1-4 and 1-5 contain the pertinent provisions of the United States Code that detail the organization of the Court and the types of cases it may hear and decide. The writ of *certiorari* (see Table 1-5) is the primary method by which those who have lost a case in a lower court bring their case to the Supreme Court's attention. The justices can choose to grant or deny a petitioner's writ of *certiorari*.

Once the Court decides a case it has agreed to hear, it typically issues an opinion. The primary way of disseminating these opinions and other Court decisions is through published reports. More so than most American courts, state or federal, the reports of the U.S. Supreme Court contain a relatively comprehensive record of the Court's decisions. Prior to the twentieth century, however, records are less than complete. During

the 1790s, for example, fewer than half of the Court's decisions were published, and many of those were compiled from the notes of the attorneys who argued the cases.¹ Incompleteness continued to afflict the Court's reports until well after the Civil War. Numerous cases that are absent from the official *United States Reports* can be found in the privately published *Lawyers' Edition* of the Court's reports.² For at least the past half-century, though, the official reports do not materially differ from the privately printed ones. What differences do exist are largely limited to unofficial matters such as notes, summaries, and indices.

While virtually all law libraries contain at least one reporter dedicated to the Supreme Court, readers interested in obtaining copies of the Court's opinions will find them readily available on the Internet. The Supreme Court's own website (supremecourt.gov) contains the opinions of all cases decided since 1991, and now posts case opinions almost immediately upon issuance of the Court's decisions.

The remaining tables furnish information on a range of institutional features of the Court. Tables 1-6 through 1-9 provide a fairly complete set of data on the Court's budget, salary, and pension provisions (see "A Data Literacy Lesson," below). The data show that the Court comprises but a tiny fraction of the federal government's expenditures. The Court's rules, calendar, and processing of cases (from the initial filing to the publication of its decisions) are the subjects of Tables 1-10 and 1-11 and Figure 1-1. Finally, Tables 1-12 through 1-14 consider the Court's officers and employees. Table 1-12 details those sections of the United States Code pertaining to the Court's officers and employees, Table 1-13 identifies the number of full-time positions, and Table 1-14 provides the names and dates of service of the Court's administrative officials.

Notes

1. Susan W. Brenner, *Precedent Inflation* (New Brunswick, N.J.: Transaction, 1992), 84, 94–95.
2. For example, *Thatcher v. Kaucher*, 24 L. Ed. 511 (1877) and *Keough v. Orient Fire Insurance Co.*, 24 L. Ed. 650 (1878).

Table 1-1 Chronology of Important Events in the Supreme Court's History, 1787–2020

1787	The Constitutional Convention meets.
1789	The Constitution is ratified. President George Washington signs the Judiciary Act of 1789, which establishes a federal court structure.
1790	The Supreme Court holds its first session in New York City. The Court issues its first formal rule, creating the Office of the Clerk of the Court. The first member of the Supreme Court bar, Elias Boudinot, is sworn in.
1791	The Bill of Rights becomes part of the Constitution. The Court moves from New York City to Philadelphia.
1793	The Court announces its first major decision, <i>Chisholm v. Georgia</i> , which authorizes citizens of one state to sue another state in the Supreme Court. Ironically, the Eleventh Amendment, ratified in 1795, nullifies this decision. The Court refuses Secretary of State Thomas Jefferson's request to answer questions concerning the appropriate role America should play in the ongoing English-French war. In so doing, it sets an important precedent regarding advisory opinions: issuing them would violate the separation of powers principle.
1795	The first chief justice, John Jay, resigns to become governor of New York. Washington nominates John Rutledge of South Carolina as Jay's successor, but for the first time the Senate refuses to confirm a Supreme Court nominee. In January 1796, William Cushing, the senior associate, is nominated. He declines because of age. Washington then offers the post to Oliver Ellsworth, whom the Senate confirms the next day. The Eleventh Amendment, prohibiting a nonresident from suing a state in federal court, is ratified.
1796	John Marshall makes his only appearance as an attorney before the Supreme Court when he argues the case of <i>Ware v. Hylton</i> . In stark contrast to the nationalist position he espoused as chief justice, Marshall here alleges the supremacy of state laws that conflict with federal treaties. He loses the case.
1801	Marshall is appointed chief justice by lame-duck president John Adams shortly before Jefferson takes office. The Court moves to Washington, D.C., and holds sessions in a room in the Capitol building. Congress passes the Circuit Court Act of 1801, which eliminates circuit court duty for the justices, reduces the number of justices from six to five, and increases the number of circuits from three to six.

(Table continues)

Table 1-1 (Continued)

	Chief Justice Marshall begins the practice of issuing opinions of the Court, rather than having the justices deliver individual opinions in each case.
1802	Congress repeals the Circuit Court Act of 1801; the number of justices is returned to six.
1803	<i>Marbury v. Madison</i> , which enunciates the doctrine of judicial review, is decided.
1804	For the only time in history, the House of Representatives votes to impeach a Supreme Court justice, Samuel Chase. However, one year later the Senate fails to muster the two-thirds vote required to convict Chase on charges of partisan political behavior. The Twelfth Amendment, governing the election of the president and vice president, is ratified.
1805	Justice William Johnson delivers the Court's first opinion labeled as a dissent, in <i>Huidekoper's Lessee v. Douglass</i> .
1807	Congress creates a seventh circuit and, accordingly, increases the Court's membership to seven.
1810	The Court declares a state law unconstitutional for the first time in <i>Fletcher v. Peck</i> .
1811	On his fourth attempt to fill the vacancy created by the death of the last of the Court's original members, William Cushing, President James Madison nominates, and the Senate confirms, Joseph Story. At 32 years old, Story is the youngest person ever to sit on the Court.
1813	The first <i>amicus curiae</i> participation before the Court occurred when Attorney General William Pinkney appeared in <i>Livingston v. Dorgenois</i> .
1816	The Court rules in <i>Martin v. Hunter's Lessee</i> that it, rather than the state courts, has final authority to determine the meaning of constitutional provisions and acts of Congress. Henry Wheaton becomes the first Court reporter formally appointed by the Court. His two predecessors, Alexander J. Dallas and William Cranch, held the position on an unofficial basis. Congress authorizes the official publication of Supreme Court decisions.
1819	The doctrine of implied powers is formulated in <i>McCulloch v. Maryland</i> . In <i>Dartmouth College v. Woodward</i> , the Court broadly construes the contract clause to prevent states from abridging corporate charters as well as public grants.
1823	The longest period in the Court's history without a change of personnel (12 years) ends with the death of Justice Henry Livingston. The Court decides <i>Green v. Biddle</i> , in which Henry Clay became the first individual other than a public official to appear before the justices as <i>amicus curiae</i> .

Table 1-1 (Continued)

1824	The Court decides <i>Gibbons v. Ogden</i> in an opinion by Chief Justice Marshall that broadly defines the scope of Congress's power to regulate interstate commerce.
1832	An attempt by Georgia to subject Cherokee Indians to its authority, notwithstanding a Court decision to the contrary (<i>Worcester v. Georgia</i>), ends when President Andrew Jackson reverses his pro-state position and supports expanded federal judicial power.
1833	<i>Barron v. Baltimore</i> , Chief Justice Marshall's last major constitutional opinion, holds that the Bill of Rights applies only to the federal government, not to the states.
1835	Chief Justice Marshall dies. James M. Wayne of Georgia, the only incumbent member of the House of Representatives to be appointed to the Court, takes his seat.
1836	Because of Senate opposition to the nomination of Roger Taney as Marshall's successor, the Supreme Court, for the only term in its history, is without a chief justice. Taney is finally confirmed by the Senate, notwithstanding the opposition of two giants of American constitutional law, Daniel Webster and Henry Clay. He becomes the first Roman Catholic justice.
1837	Three major decisions, <i>Charles River Bridge v. Warren Bridge</i> , <i>New York v. Miln</i> , and <i>Briscoe v. Bank of Kentucky</i> , portend an increase in the rights of the states vis-à-vis the national government by limiting the scope of the contract clause and upholding state regulations affecting interstate commerce. Congress divides the United States into nine circuits and increases the Court's membership to nine.
1841	In <i>United States v. Libellants and Claimants of the Schooner Amistad</i> , Justice Story delivers the opinion of the Court that the African peoples aboard the ship <i>Amistad</i> be declared free. Former president John Quincy Adams appears before the Court as an advocate in the <i>Amistad</i> case. Thirty-two years had passed since his last appearance.
1842	<i>Prigg v. Pennsylvania</i> holds that the federal government, not the states, has authority over fugitive slaves.
1844	The longest vacancy in Supreme Court history begins with the death of Justice Henry Baldwin. Because of partisan conflict between President John Tyler—the first nonelected president—and the Senate, Tyler is unsuccessful in filling the vacancy before he leaves office in 1845. Incoming president James Polk faces similar difficulties in naming a replacement for Baldwin. His first choice declines and his second choice is rejected by the Senate. Finally, 27 months after Baldwin's death, the Senate confirms Robert Grier for the post.

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Table 1-1 (Continued)

1849	The Court places time limits on oral arguments: two hours per side.
1851	Benjamin Curtis, the only Whig to sit on the Court, takes his seat.
1857	The <i>Dred Scott</i> decision rules that slaves are property with which Congress may not interfere, and that neither they nor any of their descendants are citizens under the Constitution.
1859	The Court finds the fugitive slave law constitutional in <i>Ableman v. Booth</i> .
1861	Jeremiah Black, nominated for a seat on the Court by lame-duck president James Buchanan, is rejected by the Senate in the closest vote in history, 25–26.
1863	The Emancipation Proclamation declares southern slaves free. For the first time, a president clearly identified with one political party nominates a formally affiliated member of another political party to the Supreme Court when President Abraham Lincoln selects Stephen J. Field. Congress abolishes the Circuit Court of California, created in 1855, and replaces it with a tenth circuit. It also increases the size of the Court to ten. This gives Lincoln the opportunity to make his fourth appointment.
1864	Chief Justice Taney dies and is succeeded by Salmon P. Chase.
1865	General Robert E. Lee surrenders at Appomattox, ending the Civil War. Five days later John Wilkes Booth assassinates Lincoln. The Thirteenth Amendment, abolishing slavery, is ratified. John S. Rock, the first black to become a member of the Supreme Court bar, is sworn in.
1866	Congress reduces the size of the Court from ten to seven to thwart President Andrew Johnson. In <i>Ex parte Milligan</i> , the Supreme Court rules that military tribunals have no jurisdiction over civilians where civil courts are open and operating. The number of circuit courts is reduced to nine.
1867	Congress establishes the Office of the Marshal of the Supreme Court, which manages the Court's chamber.
1868	The Fourteenth Amendment, prohibiting the states from depriving persons of due process or denying them equal protection of the laws, is ratified. President Andrew Johnson is impeached. After the Court hears arguments in <i>Ex parte McCordle</i> , Congress removes the Court's authority to hear appeals emanating under the 1867 Habeas Corpus Act. The justices then redocket the case, but decline to decide it. Their action indicates that Congress possesses the authority to remove the Court's appellate jurisdiction as it deems necessary.

Table 1-1 (Continued)

1869	Congress increases the size of the Supreme Court to nine, where it has remained ever since.
1870	<p>The last of the Civil War amendments, the Fifteenth, is ratified, prohibiting the states or the United States from denying anyone the right to vote because of race.</p> <p>By a 4–3 vote, the Court rules in <i>Hepburn v. Griswold</i> that Congress has no power to authorize paper money as legal payment of debts, the method used to finance the Civil War. President Ulysses S. Grant fills the Court’s two vacancies with individuals sympathetic to the use of paper money, and, fifteen months after the initial decision, the Court reverses itself and rules that the Legal Tender Acts were a proper exercise of congressional power.</p> <p>Congress creates the Department of Justice and the post of solicitor general.</p> <p>Elias C. Boudinot becomes the first Native American to appear before the Court.</p>
1873	<p>By a 5–4 vote, the Court holds in the <i>Slaughterhouse Cases</i> that nothing in the Fourteenth Amendment expands the scope of individual rights against state action.</p> <p>With only Chief Justice Chase dissenting, the Court rules in <i>Bradwell v. Illinois</i> that a state violates no constitutional provision in denying a woman a license to practice law because of her sex.</p> <p>Chief Justice Chase dies.</p>
1874	After two unsuccessful attempts to fill the chief justiceship—the most in history—Grant nominates Morrison Waite, a little-known Ohio attorney without judicial experience who had never argued a case before the Court.
1875	<p>Court Reporter John W. Wallace retires. Because of a change in policy, he is the last to see his name on the cover of the reports of the Court. The official reports of the Court now are known as <i>United States Reports</i>.</p> <p>In <i>Minor v. Happersett</i>, the Court unanimously finds that the state of Missouri did not violate the Fourteenth Amendment in denying women the right to vote.</p>
1877	<p>Five members of the Court serve on the electoral commission that resolves the disputed election of 1876. The justices split 3–2 along party lines, thereby making the Republican nominee, Rutherford B. Hayes, president.</p> <p>In <i>Munn v. Illinois</i>, the Court reaffirms its 1873 decision in the <i>Granger Cases</i>, which asserted that the Fourteenth Amendment does not prevent states from regulating the use of private property.</p>

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Table 1-1 (Continued)

1879	Belva Ann Lockwood becomes the first female member of the Supreme Court bar. In <i>Strauder v. West Virginia</i> , the Court holds unconstitutional a state statute prohibiting African Americans from sitting on juries.
1880	For the first time since the Civil War, President Hayes nominates a person from a Confederate state, William B. Woods, to sit on the Court. Woods, however, was not a native of the South, having migrated to Georgia after Appomattox.
1881	Stanley Mathews, the only person besides John Jay ever to be nominated to the same seat by two different presidents, is confirmed by the closest vote in history, 24–23.
1882	Justice Horace Gray is the first Supreme Court justice to hire law school graduates as clerks.
1883	In the <i>Civil Rights Cases</i> , the Court narrowly defines what constitutes state action under the due process and equal protection clauses of the Fourteenth Amendment and, as a result, declares the Civil Rights Act of 1875 unconstitutional. Not until after World War II would the Court with any regularity support civil rights claims.
1886	In <i>Santa Clara County v. Southern Pacific R. Co.</i> , the Court claims that corporations are not citizens and thus not entitled to the protections afforded by the Fourteenth Amendment. They are nevertheless “persons” who cannot be deprived of liberty or property without due process of law. This decision heralds the Court’s integration of the doctrines of laissez-faire economics into the Constitution. Congress authorizes each justice to hire a stenographic clerk.
1887	The Interstate Commerce Act is passed, creating the first regulatory commission in U.S. history. Supreme Court decisions, however, sap the strength from its provisions, making the commission impotent to regulate the railroads, which are the focus of the Act.
1888	L. Q. C. Lamar of Mississippi is appointed to the Court. He is the first Democrat to be seated in a quarter century. Chief Justice Waite dies. He is replaced by Melville Fuller, a Chicago railroad attorney.
1890	Congress enacts the Sherman Antitrust Act. Because of lax enforcement and hostile Court decisions, the law does little to curb the growth of concentrated economic power.
1891	Congress establishes the circuit courts of appeals (later called the United States Courts of Appeals), virtually eliminating circuit riding duty for Supreme Court justices.
1894	Edward D. White, the first incumbent senator to be selected for the Court in 48 years, is nominated and confirmed on the same day. It will be another 43 years before a subsequent incumbent senator, Hugo Black, is chosen.

Table 1-1 (Continued)

1895	<p>In <i>United States v. E. C. Knight Co.</i>, the Court rules that the Sherman Antitrust Act, which is based on Congress's power to regulate interstate commerce, does not apply to manufacturing because manufacturing is not commerce.</p> <p>Overruling a 100-year-old precedent, the Court declares the income tax unconstitutional in <i>Pollock v. Farmers' Loan & Trust Co.</i>, occasioning the adoption of the Sixteenth Amendment 18 years later.</p> <p>A unanimous Court in <i>In re Debs</i> approves the use of federal judicial power to stop strikes through the use of the labor injunction.</p>
1896	<p>The Court formulates the separate but equal doctrine in <i>Plessy v. Ferguson</i>, thereby legitimizing the segregated society created by Jim Crow laws.</p>
1897	<p>In <i>Allgeyer v. Louisiana</i>, the Court holds that the Fourteenth Amendment protects the freedom of contract, including the right of individuals to sell their labor without governmental regulation of hours, wages, or working conditions.</p> <p>In <i>Chicago, Burlington and Quincy Railroad Co. v. Chicago</i>, the Court makes the Fifth Amendment's takings clause applicable to the states. This is the first provision of the Bill of Rights to be incorporated into the due process clause of the Fourteenth Amendment.</p>
1898	<p>In <i>Smyth v. Ames</i>, the Court further extends its pro-business judicial activism, holding that if states set the rates railroads may charge, those rates must provide a fair return on investment, and that the federal courts will determine what is and is not fair.</p>
1899	<p>Former attorney general Augustus H. Garland collapses and dies while presenting oral arguments.</p>
1902	<p>President Theodore Roosevelt appoints Massachusetts Supreme Court chief justice and legal scholar Oliver Wendell Holmes to the U.S. Supreme Court.</p>
1905	<p><i>Lochner v. New York</i> is decided, precluding a state from restricting bakers to a 10-hour day and a 60-hour week on the basis of freedom of contract.</p>
1908	<p>In <i>Adair v. United States</i>, freedom of contract also invalidates the act of Congress outlawing yellow-dog contracts, which employers utilize to fire employees if they join a labor union.</p> <p>Although the Sherman Act does not particularly restrain labor activity, the Court construes it to ban secondary boycotts by labor unions in <i>Loewe v. Lawlor</i>.</p> <p>As a result of the advocacy of Louis D. Brandeis, who would join the Supreme Court eight years later, the Court, in <i>Muller v. Oregon</i>, accepts limitations on freedom of contract in the case of women. Accordingly, a state may restrict women laundry workers to a ten-hour day.</p>

(Table continues)

Table 1-1 (Continued)

1909	<p>William Howard Taft takes the oath of office as president. During his tenure, six justices are seated, more than under any other single-term president. Only Washington's ten successful nominees and Franklin Roosevelt's nine exceed this number.</p> <p>The first of Taft's nominees, Horace H. Lurton, at 65, is the oldest member to be seated as an associate justice in history. Harlan Fiske Stone and Charles Evans Hughes were 68 years, 8 months, and 67 years, 10 months, respectively, when promoted to the chief justiceship.</p>
1910	Chief Justice Fuller dies. Taft is the first president to cross party lines to appoint a chief justice, nominating Edward D. White, a sitting associate justice, to the chief justiceship.
1911	<p>In <i>Standard Oil Co. v. United States</i>, the Court states that the Sherman Act only outlaws unreasonable restraints of trade even though it contains no such qualification. The federal courts determine for themselves what is and is not reasonable.</p> <p>Congress completely relieves justices of circuit-riding duty.</p>
1913	The Sixteenth (income tax) and Seventeenth (popular election of senators) amendments are ratified.
1914	<p>World War I begins.</p> <p>The Clayton Antitrust Act, which supplements and strengthens the Sherman Act, is passed.</p>
1916	President Woodrow Wilson nominates the first Jew, Louis Brandeis, to the Supreme Court. Over the opposition of former president—and soon-to-be chief justice—Taft and various bar and business leaders, Brandeis is confirmed after four months of acrimonious hearings. Although his opponents describe him as a trouble-making radical, anti-Semitism fuels much of the opposition.
1917	The United States declares war on Germany.
1918	<p>By a 5–4 vote in <i>Hammer v. Dagenhart</i>, the Court declares unconstitutional Congress's effort to outlaw child labor.</p> <p>The armistice ending World War I is signed.</p>
1919	The "noble experiment," Prohibition, spearheaded by the Women's Christian Temperance Union and the Anti-Saloon League, is written into the Constitution as the Eighteenth Amendment.
1920	Women earn the right to vote with the ratification of the Nineteenth Amendment.
1921	Chief Justice White dies. President Warren Harding chooses former president Taft as his successor.
1922	<p>Congress's second effort to ban child labor, based this time on the power to tax rather than the interstate commerce clause, is struck down as a result of the Court's decision in <i>Bailey v. Drexel Furniture Co.</i></p> <p>Congress allows Court law clerks to be hired at government expense.</p>
1923	The Court rules in <i>Adkins v. Children's Hospital</i> that a federal minimum wage law for women violates freedom of contract.

Table 1-1 (Continued)

1925	<p>In the course of upholding the conviction of a left-wing radical for distributing a pamphlet urging the overthrow of the government, the Court, in <i>Gitlow v. New York</i>, notes that freedoms of speech and of the press are among the fundamental rights and liberties that the Fourteenth Amendment protects from state abridgment.</p> <p>Congress enacts the Judiciary Act of 1925, reducing significantly the proportion of cases the Court must hear.</p> <p>The Court develops the Rule of Four: at least four justices must agree before the Court will hear a case under its discretionary jurisdiction.</p>
1928	The Court reduces oral argument from two hours to one hour per side.
1929	<p>The stock market crashes; the Great Depression begins.</p> <p>The Tenth Circuit Court of Appeals is created.</p>
1930	<p>President Herbert Hoover replaces Chief Justice Taft, who resigns, with Charles Evans Hughes, who had left the Supreme Court in 1916 to accept the Republican nomination for president.</p> <p>John J. Parker is rejected by a 39–41 vote. Not since 1894 has a nominee failed to gain confirmation, and not until 1968 will another one do so.</p>
1931	<p>In <i>Stromberg v. California</i>, the Court strikes down a California law prohibiting the display of a red flag as a symbol of opposition to government as a violation of First Amendment rights. Two weeks later, in <i>Near v. Minnesota</i>, the Court rules that a state law prohibiting publication of a scandal sheet violates the First Amendment's guarantee of freedom of the press.</p>
1932	<p>The Norris-LaGuardia Act forbids the federal courts to issue injunctions in labor disputes to prevent strikes, boycotts, or picketing.</p> <p>Two months shy of his 91st birthday, Oliver Wendell Holmes resigns, the only nonagenarian ever to sit on the Supreme Court.</p>
1933	<p>Franklin D. Roosevelt takes office. The New Deal begins. Major regulatory legislation is enacted, including the Agricultural Adjustment Act and the National Industrial Recovery Act. Congress creates the Civilian Conservation Corps to provide outdoor work for unemployed males between the ages of 18 and 25, and establishes the Tennessee Valley Authority to construct dams and power plants in especially depressed parts of Appalachia.</p> <p>The Twentieth Amendment, which ends the practice of congressional lame-duck sessions, is ratified.</p> <p>The Twenty-first Amendment, repealing Prohibition, is ratified.</p>
1934	Major federal regulatory commissions are created, including the Securities and Exchange Commission, the Federal Communications Commission, and the Federal Housing Administration.

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Table 1-1 (Continued)

	In <i>Nebbia v. New York</i> , the Court rules that the Fourteenth Amendment does not prevent a state from fixing the maximum and minimum prices of milk.
1935	<p>Congress enacts the National Labor Relations Act, which gives labor the legal right to bargain collectively, and the Social Security Act, which provides unemployment compensation, old-age pension benefits, aid to blind and disabled persons, and aid to families with dependent children.</p> <p>The Court declares unconstitutional the National Industrial Recovery Act and the Railroad Retirement Act, which established a comprehensive pension system for railroad workers.</p> <p>May 27 goes down in history as Black Monday when the Court deals the Roosevelt administration three losses on a single day (<i>Schechter Poultry Corporation v. United States</i>, <i>Humphrey's Executor v. United States</i>, and <i>Louisville Joint Stock Land Bank v. Radford</i>).</p> <p>Oliver Wendell Holmes dies. He leaves his estate to the United States, which uses the money to fund a study of the Court's history.</p> <p>The Court meets in its new (and current) building, "the Marble Palace," in Washington, D.C. <i>Douglas v. Willcuts</i> is the first case argued in the new building.</p>
1936	<p>The Court continues to strike down major portions of the New Deal in <i>United States v. Butler</i> and <i>Carter v. Carter Coal Co.</i>, invalidating the Agricultural Adjustment Act and the Bituminous Coal Conservation Act, respectively.</p> <p>The Court declares in <i>Morehead v. New York ex rel. Tipaldo</i> that all state minimum wage laws, including those that apply to women and children, violate due process.</p>
1937	<p>The Court unanimously rules in <i>DeJonge v. Oregon</i> that the due process clause of the Fourteenth Amendment makes binding on the states the First Amendment's guarantee of freedom of assembly.</p> <p>Following his landslide reelection in 1936, President Roosevelt submits to Congress a so-called Court-packing plan that will allow him to appoint additional justices to the Supreme Court for the unexpressed purpose of preventing further invalidation of New Deal legislation. But Justice Owen Roberts's switch in vote, immortalized as "the switch in time that saved nine," produces a pro-New Deal majority and makes Roosevelt's Court-packing scheme a moot issue.</p> <p><i>West Coast Hotel Co. v. Parrish</i> overrules the 1923 decision, <i>Adkins v. Children's Hospital</i>, and the 1936 decision, <i>Morehead v. New York ex rel. Tipaldo</i>, and upholds the state of Washington's minimum wage law. As the justices earlier read freedom of contract into the Constitution, they now read it out.</p> <p>In <i>National Labor Relations Board v. Jones & Laughlin Steel Corp.</i>, the Court finally accepts that manufacturing is a part of commerce that Congress has power to regulate. As a result, the National Labor Relations Act is ruled to be constitutional.</p>

Table 1-1 (Continued)

	<i>Steward Machine Co. v. Davis</i> upholds the unemployment compensation provisions of the Social Security Act. <i>Helvering v. Davis</i> upholds its old-age pension benefits.
	Justice Willis Van Devanter retires. Roosevelt has his first opportunity to fill a seat on the Court and thereby increase judicial support for the New Deal. His selection, Senator Hugo Black, is confirmed five days after nomination.
1938	Justice George Sutherland becomes the second anti-New Deal member to resign. By the middle of 1941, Roosevelt has filled seven Court vacancies.
	The Fair Labor Standards Act prohibits child labor and establishes a nationwide minimum wage and maximum hour law. The Court upholds its constitutionality three years later in <i>United States v. Darby</i> .
1939	Felix Frankfurter, the last foreign-born justice, becomes an associate justice.
	World War II begins with the Nazi invasion of Poland.
1940	In an opinion by Justice Frankfurter in <i>Minersville School District v. Gobitis</i> , the Court holds that children attending public school may be compelled to salute the flag, notwithstanding their religious objections.
	With President Roosevelt's elevation of Frank Murphy, his appointees now comprise a majority of the Court.
1941	Chief Justice Hughes resigns. For the second time in history, a president crosses party lines to select a chief justice when Roosevelt nominates Harlan Fiske Stone.
	James F. Byrnes, the last justice to sit without having attended law school, is appointed. He neither attended college nor graduated from high school.
	Japan attacks Pearl Harbor.
	The last of the anti-New Deal justices, James McReynolds, leaves the Court.
1942	In <i>Wickard v. Filburn</i> , the justices unanimously assert that Congress's power to regulate interstate commerce gives it control over activities that are neither commercial nor interstate.
1943	The Court overrules its compulsory flag salute decision of 1940 in <i>West Virginia State Board of Education v. Barnette</i> .
1944	In <i>Korematsu v. United States</i> , the Court asserts that unsubstantiated "military necessity" permits citizens to be summarily imprisoned solely because of their race.
	Justice William Douglas selects the first woman, Lucille Loman, to serve as a law clerk.
1945	President Roosevelt dies; Harry Truman succeeds him. World War II ends and the Cold War begins.

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Table 1-1 (Continued)

	President Truman crosses party lines to nominate Republican incumbent senator Harold H. Burton to the Supreme Court.
1946	Chief Justice Stone dies. Fred Vinson succeeds to the chief justiceship.
1947	In <i>Everson v. Board of Education</i> , the First Amendment's religious establishment clause is made binding on the states.
1948	In <i>Shelley v. Kraemer</i> , the Court rules that state courts may not constitutionally enforce racially restrictive housing covenants. Justice Frankfurter selects the first black, William T. Coleman, to serve as a law clerk.
1949	In <i>Wolf v. Colorado</i> , the Fourth Amendment's ban on unreasonable searches and seizures is held to apply to the states.
1950–1952	A series of decisions upholds federal and state legislation curbing alleged subversive activity.
1951	The Twenty-second Amendment, limiting presidential terms, is ratified.
1952	In <i>Burstyn v. Wilson</i> , the Court rules that motion pictures are a significant medium of expression protected by the First Amendment. The Court curbs presidential power in <i>Youngstown Sheet and Tube Co. v. Sawyer</i> by ruling unconstitutional President Truman's seizure of the steel mills to avoid a strike that would disrupt U.S. military actions in Korea.
1953	Chief Justice Vinson dies. California governor Earl Warren becomes chief justice. The Court meets in special session to decide the fate of Ethel and Julius Rosenberg. Its decision to lift the stay of their death sentences leads to their execution.
1954	The separate but equal doctrine of <i>Plessy v. Ferguson</i> is overruled in <i>Brown v. Board of Education</i> , paving the way for school desegregation. Three members of the Everett family are sworn in as members of the Supreme Court bar. This is believed to be the first time that three members of the same family were sworn in on the same day.
1955	The Court begins taping oral arguments. The Court announces that it will no longer hear oral arguments on Fridays, reserving that day for conference.
1956	The American Bar Association's Standing Committee on the Federal Judiciary begins screening and rating Court candidates.
1957	In <i>Yates v. United States</i> , the Court makes the conviction of alleged subversives more difficult by requiring prosecutors to show that the accused took some action to overthrow the U.S. government by force. The Court declares obscenity to be without constitutional protection in <i>Roth v. United States</i> and <i>Alberts v. California</i> .
1961–1969	The Warren Court begins to expand the rights of persons accused of crime by using various provisions in the Fourth to Eighth amendments to restrict state and local law enforcement activities.

Table 1-1 (Continued)

1961	<p>The Court holds in <i>Mapp v. Ohio</i> that the judicially created constitutionally based exclusionary rule prohibits the use of illegally seized evidence in state, as well as federal, trials.</p> <p>The Twenty-third Amendment is ratified, allowing the District of Columbia to participate in presidential elections.</p> <p>Ending an 1873 rule, the Supreme Court begins its sessions at 10:00 a.m. rather than noon.</p>
1962	<p>The Court rules in <i>Baker v. Carr</i> that redistricting malapportioned legislative bodies is a judicial, not a political, question. Within the next 27 months, the Court formulates a “one person, one vote” rule and applies it to the House of Representatives and both houses of the states’ legislatures. These decisions break the historical rural domination of legislative politics and shift power to cities and their suburbs.</p> <p>In <i>Engle v. Vitale</i>, the Court rules that officially sanctioned prayer in the public schools violates the Constitution’s establishment of religion clause.</p>
1963	<p>The Court rules in <i>Gideon v. Wainwright</i> that the Sixth Amendment requires that all persons accused of serious crimes be provided an attorney.</p> <p>President John F. Kennedy is assassinated.</p>
1964	<p>The Twenty-fourth Amendment, prohibiting poll and other voting taxes as a requirement for voting in federal elections, is ratified.</p> <p>In <i>New York Times v. Sullivan</i>, the Court determines that the First Amendment prevents public officials from collecting damages for libelous media statements unless they prove the statement was made “with knowledge that it was false or with reckless disregard of whether it was false or not.”</p> <p>The Court holds in <i>Malloy v. Hogan</i> that the Fifth Amendment’s protection against self-incrimination applies to state criminal defendants.</p> <p>The Court unanimously upholds the constitutionality of the Civil Rights Act of 1964 and its ban on discrimination in places of public accommodations in <i>Heart of Atlanta Motel v. United States</i>.</p>
1965	<p>In <i>Pointer v. Texas</i>, the Court makes defendants’ Sixth Amendment right to confront and cross-examine their accusers binding on the state, as well as the federal, governments.</p> <p>The Court rules in <i>Griswold v. Connecticut</i> that “penumbras” in the First, Third, Fourth, Fifth, Ninth, and Fourteenth amendments guarantee a right to personal privacy, which prohibits a state from criminalizing the use of contraceptives.</p> <p>Abe Fortas, the fifth Jewish justice, takes his seat.</p>
1966	<p>In <i>South Carolina v. Katzenbach</i>, the Court upholds the constitutionality of the Voting Rights Act of 1965. As a result, for the first time since Reconstruction southern blacks are able to vote with relative ease.</p>

(Table continues)

Table 1-1 (Continued)

1967	<p>In <i>Miranda v. Arizona</i>, the Court decides that suspects must be read their rights before police questioning. The collapse of law enforcement is widely forecast, and efforts to impeach Chief Justice Warren gain additional force.</p> <p>The Twenty-fifth Amendment, governing the order of succession in cases of presidential incompetence, is ratified.</p> <p>A unanimous Court in <i>Loving v. Virginia</i> rules that criminalizing interracial marriage violates due process as well as equal protection.</p> <p>In <i>Washington v. Texas</i>, the Court rules that defendants in state courts have as much right to obtain favorable witnesses as does the prosecution.</p>
1968	<p>Thurgood Marshall, the first black nominated to the Supreme Court, takes his seat.</p> <p>The Court holds in <i>Duncan v. Louisiana</i> that the due process clause of the Fourteenth Amendment requires states to provide a trial by jury to persons accused of serious crimes.</p> <p>A unanimous Court in <i>Green v. County School Board</i> terminates the “with all deliberate speed” formula for desegregating southern schools under the mandate of <i>Brown v. Board of Education</i> and orders desegregation “now.”</p> <p>The Court rules in <i>United States v. O’Brien</i> that the First Amendment does not protect draft card burning.</p> <p>President Lyndon Johnson nominates Abe Fortas to succeed Earl Warren as chief justice and Homer Thornberry to occupy Fortas’s seat as associate justice. Opposition from Republicans and conservative Democrats forces the lame-duck Johnson to withdraw Fortas’s nomination, which also precludes action on Thornberry.</p>
1969	<p>Richard Nixon defeats Hubert Humphrey in the presidential election.</p> <p>The Court rules in <i>Tinker v. Des Moines School District</i> that the First Amendment protects symbolic speech and applies to children as well as adults. Hence, students may wear armbands to protest the Vietnam War.</p> <p>Under investigation for his dealings with a convicted felon, Justice Fortas resigns. He is the only justice to resign under threat of impeachment.</p> <p>The Court rules in <i>Benton v. Maryland</i> that the due process clause prohibits the states from denying individuals protection from double jeopardy.</p>
1969–1970	<p>President Nixon nominates Warren Burger to succeed Chief Justice Warren, who has announced his intention to resign at the end of the Court’s term.</p> <p>Nixon’s initial efforts to fill the Fortas vacancy are unsuccessful. The Senate rejects his first two nominees, Clement Haynsworth and Harrold Carswell. Not since 1894 have two successive nominees been rejected. The Senate, however, does confirm his third choice, Harry Blackmun, by a 94–0 vote.</p>

Table 1-1 (Continued)

1970	<p>In <i>In re Winship</i> the Court determines that juvenile defendants are entitled to the same evidentiary standard as adults: beyond a reasonable doubt.</p> <p>The Court in <i>Oregon v. Mitchell</i> rules that Congress has power to lower the voting age to 18 only for federal, not state and local, elections. As a consequence, the Twenty-sixth Amendment is proposed and ratified one year later.</p> <p>The Court reduces its dockets from three (original, appellate, miscellaneous) to two (original and all others).</p> <p>The Court reduces the time allotted to oral arguments from one hour per side to one-half hour per side.</p>
1971	<p>The Court holds that cross-district busing, racial quotas, and redrawn school district boundaries are permissible means of ending southern school segregation in <i>Swann v. Charlotte-Mecklenburg County Board of Education</i>.</p> <p>With each justice writing an opinion in <i>New York Times Co. v. United States</i>, the Court denies the government's request for an injunction prohibiting the publication of the "Pentagon Papers," classified documents pertaining to American involvement in Vietnam.</p> <p>In <i>Reed v. Reed</i>, the Court for the first time voids a law because it discriminates against women.</p> <p>At the cost of \$8,600, the Court switches from a simple straight bench to a shallow "U"-shaped bench.</p>
1972	<p>White House aides break into Democratic headquarters in the Watergate office building in Washington, D.C.</p> <p>In <i>Argersinger v. Hamlin</i>, the Court rules that the right to counsel applies to all cases in which a jail sentence is possible.</p> <p>With each justice again writing an opinion, the Court voids all death penalty statutes in the United States in <i>Furman v. Georgia</i>.</p>
1973	<p><i>Roe v. Wade</i> is decided. The right to privacy entitles a woman to terminate a pregnancy without undue government interference. The state, however, may regulate abortions to protect the health of the woman after the first trimester of the pregnancy. The state may regulate and even prohibit abortions (except where necessary to preserve the health or life of the woman) after viability.</p> <p>The Court decides in <i>San Antonio Independent School District v. Rodriguez</i> that because the Constitution nowhere mentions education, it is not a fundamental right insofar as the equal protection clause is concerned. Hence, states are free to finance their schools by local property taxes even though the dollars available vary widely from district to district.</p>
1974	<p>By an 8-0 vote, the Court in <i>United States v. Nixon</i> requires President Nixon to comply with a subpoena of certain White House tapes dealing with the Watergate affair; 17 days later Nixon resigns.</p>

(Table continues)

Table 1-1 (Continued)

	The Court rules in <i>Milliken v. Bradley</i> that a multidistrict remedy for school desegregation may involve only districts that have themselves discriminated. Hence, suburban Detroit districts cannot constitutionally be required to participate in the desegregation of the Detroit schools.
	The Supreme Court Historical Society is founded.
	New guidelines for dress and decorum for attorneys appearing before the Court are enacted. Policy changes include a switch from formal attire to conservative business dress.
1975	The justices unanimously agree in <i>O'Connor v. Donaldson</i> that the guarantee of liberty in the due process clause prevents involuntary confinement in mental hospitals of persons dangerous to no one and capable of surviving in the outside world. Justice Douglas resigns after 36 years on the Court, longer than any justice in history. The Court limits oral arguments to Mondays, Tuesdays, and Wednesdays.
1976	In <i>Gregg v. Georgia</i> , the Court determines that carefully crafted statutes authorizing the death penalty for first degree murder do not necessarily violate the Eighth Amendment. In <i>Washington v. Davis</i> , the Court holds that in racial bias cases discriminatory intent must be established to demonstrate a constitutional violation.
1977	In a series of three decisions, the Court rules that neither the Constitution nor the Social Security Act requires states to pay for non-therapeutic abortions. Furthermore, public hospitals may, as a matter of policy, refuse to perform abortions. Such actions do not constitute unreasonable governmental interference with a woman's right to an abortion.
1978	The Supreme Court decides the <i>Bakke</i> case, the first major decision involving affirmative action. Numerical quotas are illegal, but goals are not. Furthermore, race may not be the sole criterion for such programs, but may be one of several.
1979	The Court rules in <i>Orr v. Orr</i> that women as well as men can be ordered to pay alimony.
1981	Sandra Day O'Connor becomes the first woman to sit on the Supreme Court. In anticipation of her arrival, the justices change the traditional title of "Mr. Justice" to simply "Justice."
1982	In <i>Globe Newspaper Co. v. Superior Court</i> , the Court rules that a state may ban media coverage of the testimony of child molestation victims in criminal trials only on a case-by-case basis. Michael A. Chatoff becomes the first deaf lawyer to appear before the Court, with the help of a computerized video display screen. This was also the first time such equipment was allowed in the Court.

Table 1-1 (Continued)

	In <i>Mississippi University for Women v. Hogan</i> , Justice O'Connor, speaking for the Court, finds that the Mississippi University for Women's policy of excluding males violates the equal protection clause of the Fourteenth Amendment.
1983	The one-house legislative veto is ruled unconstitutional in <i>Immigration and Naturalization Service v. Chadha</i> . <i>Michigan v. Long</i> , posing a major threat to the autonomy of state courts, is decided. The Court overturns its traditional presumption that state court decisions containing a mixture of state and federal issues rest "on an adequate and independent state ground." Since <i>Long</i> , if the basis for the state court's decision is unclear, the Court assumes it to be based on federal grounds.
1984	The Court rules in <i>Lynch v. Donnelly</i> that the inclusion of a nativity scene in a city's secular Christmas display does not violate the Constitution's establishment clause. The Court rules in <i>Roberts v. U.S. Jaycees</i> that a state may constitutionally prohibit large, nonselective, private organizations from restricting membership on the basis of sex.
1985	The Court determines in <i>New Hampshire Supreme Court v. Piper</i> that, although the privileges and immunities clause of Article IV of the Constitution allows states to discriminate against nonresidents for "substantial" reasons, New Hampshire's denial of a license to a Vermont lawyer does not qualify as such. In <i>Wallace v. Jaffree</i> , the Court holds that a legislatively mandated moment of silence for meditation or voluntary prayer in the public schools violates the establishment clause.
1986	The Court in <i>Bowers v. Hardwick</i> holds that the Constitution confers no right on consenting adult homosexuals to engage in oral or anal sex. The Court decides in <i>Wygant v. Jackson Board of Education</i> that affirmative action plans need not be "victim specific," but that racial preferences in hiring and promotion are constitutionally preferable to layoffs. President Reagan promotes Justice William Rehnquist to replace Chief Justice Burger. Antonin Scalia takes Rehnquist's seat.
1987	The Court unanimously rules in <i>St. Francis College v. Al-Khazraji</i> that members of white ethnic groups are also protected from employment, housing, and other forms of discrimination. The Court decides in <i>Edwards v. Aguillard</i> that a Louisiana law requiring schools that teach evolution to teach creation science too violates the establishment of religion clause.

(Table continues)

Table 1-1 (Continued)

	President Reagan's first two attempts to fill the seat vacated by Lewis Powell fail when the Senate rejects Robert Bork by a 42–58 vote and Douglas Ginsburg withdraws because of allegations of marijuana use while a professor at Harvard Law School. In January 1988, the Democratically controlled Senate approves Reagan's third choice, Anthony Kennedy, by a 97–0 vote.
1988	Congress enacts legislation virtually eliminating the Court's nondiscretionary appellate jurisdiction.
1989	The Court rules in <i>Penry v. Lynaugh</i> and <i>Stanford v. Kentucky</i> that mentally retarded persons and those as young as 16 may constitutionally be sentenced to death. The Supreme Court announces that it will make its decisions available to the public electronically moments after they are handed down.
1990	In <i>Cruzan v. Missouri Department of Health</i> , the Court decides that, for persons making their wishes clearly known, the Constitution recognizes a right to die. Justice William Brennan resigns after more than 33 years, the seventh-longest tenure. President George H. W. Bush nominates, and the Senate confirms, David Souter to replace him.
1991	Thurgood Marshall, the first black justice, resigns. He is replaced by Clarence Thomas, the second black justice, after acrimonious hearings involving alleged sexual harassment. For the first time a father and son argue on the same day. Robert G. Pugh represented Gov. Roy Roemer of Louisiana in <i>Chisolm v. Roemer</i> and <i>United States v. Roemer</i> , while his the son, Robert G. Pugh, Jr., represented the governor in the case of <i>Clark v. Roemer</i> .
1992	In <i>Planned Parenthood of Southeastern Pennsylvania v. Casey</i> , the Court reaffirms the constitutional right to obtain an abortion. In a unanimous ruling in <i>R. A. V. v. City of St. Paul</i> , the Court strikes down a "hate speech" ordinance as a violation of the First Amendment. The Twenty-seventh Amendment, which provides that congressional pay raises shall not take effect until an intervening election has occurred, is ratified. The amendment was first proposed to the states in 1789.
1993	Justice Byron White announces his retirement from the Court. Accordingly, after eleven successive Republican appointments, President William J. Clinton is the first Democrat since Lyndon B. Johnson to appoint a Supreme Court justice. He nominates Ruth Bader Ginsburg, whom the Senate confirms by a 96–3 vote.
1994	President Clinton nominates and the Senate, by a 87–9 vote, confirms, Stephen G. Breyer as the 108th Supreme Court justice. He replaces Harry A. Blackmun.

Table 1-1 (Continued)

1995	<p>In the affirmative action case of <i>Adarand Constructors, Inc. v. Peña</i>, the Supreme Court holds by a 5–4 vote that all racial classifications imposed by government must be narrowly tailored and closely related to a compelling governmental purpose.</p> <p>In <i>U.S. Term Limits v. Thornton</i>, the justices by a 5–4 vote rule that states may not set a limit on the number of terms members of Congress can serve. Prior to this decision, nearly half the states had enacted term limits of one sort or another.</p> <p>For the first time in Court history, Jeffrey P. Minear, assistant to the solicitor general of the United States, argues two cases in succession: <i>Kansas v. Colorado</i> and <i>Nebraska v. Wyoming</i>.</p>
1996	<p>In the longest time elapsed between arguments on the same case, Stanley Geller argues for <i>Agostini v. Felton</i>. The case first appeared on the docket in 1984 as <i>Aguilar v. Felton</i>.</p> <p>The Court issues only 75 signed opinions—fewer than any other term since 1953.</p> <p>With one justice dissenting, the Court holds in <i>United States v. Virginia</i> that state military institutions of higher learning violate the equal protection clause when they impose a males-only admissions policy.</p> <p>In <i>Romer v. Evans</i>, the Court strikes down a Colorado constitutional amendment that prohibited the enactment of state or local laws that provide legal protection against discrimination based on sexual orientation.</p>
1997	<p>In <i>Clinton v. Jones</i>, the Court decides that there is no constitutional provision to protect an incumbent president from civil litigation while in office.</p>
1998	<p>In <i>Clinton v. City of New York</i>, the Court strikes down the line-item veto for tax and spending measures.</p> <p>The Court decides four sexual harassment cases, finding that employers are liable for the acts of a supervisor, school districts are not liable for teachers who harass students if the school administration was unaware of the problem, and that harassment laws apply to those who engage in same-sex harassment.</p>
1999	<p>In <i>Chicago v. Morales</i>, the Court decides that cities cannot arbitrarily prevent loitering by those suspected of being in gangs.</p> <p>In <i>Alden v. Maine</i>, the Court by a 5–4 vote restricts the power of Congress to remove a state’s sovereign immunity from lawsuits.</p>
2000	<p>In <i>Boy Scouts of America v. Dale</i>, the Court holds that a private organization can restrict membership on the basis of sexual orientation.</p> <p>In <i>California Democratic Party v. Jones</i>, the Court strikes down California’s “blanket” primary, saying it violates a political party’s First Amendment right of association.</p>

(Table continues)

Table 1-1 (Continued)

2001	<p>Following the 2000 presidential election, the Supreme Court makes a series of decisions regarding the counting of votes in the state of Florida, culminating in a 7–2 decision on December 12 declaring the Florida recount unconstitutional and a 5–4 decision ordering Florida to desist from further recounting of ballots, thereby assuring George W. Bush’s electoral victory over Al Gore.</p> <p>In <i>Alexander v. Sandoval</i>, the Court rules 5–4 that individuals do not have a private right of action to file a lawsuit to enforce disparate impact discrimination pursuant to Title VI of the Civil Rights Act of 1964.</p> <p>On September 11, the United States experiences its worst terrorist attack, with hijacked airplanes destroying the World Trade Center towers and part of the Pentagon. Congress responds by enacting the Anti-Terrorist Act; the president issues orders allowing suspected terrorists who are not U.S. citizens to be tried by military tribunals.</p> <p>For the first time since it moved into its present building in 1935, the Supreme Court convenes in another courtroom, after spores of anthrax are found in a building that handles mail for the Court.</p> <p>Pamela Talkin becomes the first woman appointed as marshal of the Supreme Court.</p>
2002	<p>In <i>Atkins v. Virginia</i>, the Court holds that the Eighth Amendment prohibits the execution of mentally retarded defendants convicted of murder, overturning <i>Penry v. Lynaugh</i> (1989).</p> <p>The Court upholds Cleveland’s school voucher plan in <i>Zelman v. Simmons-Harris</i> against an establishment of religion clause challenge. The voucher program allowed government funds to be used by parents to pay their child’s tuition at accredited religious schools.</p>
2003	<p>Rejecting a First Amendment challenge, the justices in <i>McConnell v. Federal Election Commission</i> uphold the Bipartisan Campaign Reform Act.</p> <p>In <i>Lawrence v. Texas</i>, the justices on privacy grounds strike down a Texas law criminalizing consensual sexual activity between adult members of the same sex.</p> <p>In <i>Grutter v. Bollinger</i>, the Court holds that the “narrowly tailored” use of race in admissions decisions designed to further the compelling interest of a diverse student body by the University of Michigan law school does not violate the equal protection clause. The Court emphasizes the “individualized consideration” nature of the admissions program.</p> <p>In <i>Gratz v. Bollinger</i>, the justices strike down a University of Michigan undergraduate affirmative action program that automatically credited all minority applicants with extra points in the admissions process.</p>

Table 1-1 (Continued)

2004	In <i>Hamdi v. Rumsfeld</i> , a plurality of the Court rules that a U.S. citizen, held as an enemy combatant, must be given a fair opportunity to challenge the government's assertions before a neutral decisionmaker.
2005	In <i>McCreary County v. ACLU</i> and <i>Van Orden v. Perry</i> , the justices rule that a state-sponsored passive monument to the Ten Commandments that is one component of a secular, multipart display does not violate the establishment clause. However, a display of the Ten Commandments that stands alone or is erected with a religious purpose does run afoul of the Constitution. Overturning <i>Stanford v. Kentucky</i> (1989), the Court in <i>Roper v. Simmons</i> holds that the Eighth Amendment forbids the imposition of the death penalty on offenders who were under the age of 18 when their crimes were committed. In <i>Kelo v. City of New London</i> , the Court holds that the "public use" requirement of the Fifth Amendment's takings clause does not prohibit a local government from seizing private property to be transferred ultimately to new private owners as part of a plan to redevelop an area and increase government tax revenues. Chief Justice William Rehnquist dies on September 3, ending a 33-year career on the Court. George W. Bush appoints Court of Appeals judge John G. Roberts, Jr., a former Rehnquist law clerk, to be the new chief justice.
2006	Sandra Day O'Connor retires. After an unsuccessful attempt by Bush to appoint White House counsel Harriet Miers, the president names Court of Appeals judge Samuel A. Alito, Jr. as O'Connor's replacement. This leaves Ruth Bader Ginsburg as the Court's only female member. In <i>Hamdan v. Rumsfeld</i> , the Court continues its policy of extending certain due process rights to the military detainees from the wars in Afghanistan and Iraq.
2007	In <i>Parents Involved in Community Schools v. Seattle School District No 1</i> , the justices strike down the use of certain race-based admissions criteria as part of a school district's policies to combat racial imbalance.
2008	The Court nullifies the District of Columbia's gun control ordinance in <i>D.C. v. Heller</i> . The Court holds that the Second Amendment confers a personal right to keep and bear arms, especially for self-defense. The justices continue to develop the Court's capital punishment policies. In <i>Baze v. Rees</i> , the Court concludes that lethal injection does not violate the Eighth Amendment, but in <i>Kennedy v. Louisiana</i> the justices rule that executing a child rapist does.

(Table continues)

Table 1-1 (Continued)

2009	<p>Federal Court of Appeals Judge Sonia Sotomayor of New York replaces retiring Justice David Souter. Sotomayor becomes the Court's first Latina justice.</p> <p>Elena Kagan, dean of Harvard Law School, becomes the nation's first female solicitor general.</p> <p>In cases such as <i>Herring v. United States</i>, the Court continues in its reluctance to expand the Fourth Amendment rights of the criminally accused.</p>
2010	<p>In <i>Citizens United v. Federal Election Commission</i>, the Court holds that under the First Amendment, corporate and union funding of independent political advertising cannot be limited.</p> <p>Justice John Paul Stevens, at age 90, retires after serving more than 34 years on the Court.</p> <p>Solicitor General Elena Kagan is appointed to replace Stevens. Kagan's selection brings the number of sitting female justices to three, the highest number in Court history.</p> <p>Six Catholic and three Jewish justices sit on the Court. For the first time in history there are no Protestant justices.</p>
2011	<p>In <i>Snyder v. Phelps</i>, a case involving an anti-gay, anti-Catholic, anti-military protest, the Court ruled that even offensive speech merits First Amendment protection.</p> <p>Christine L. Fallon becomes the first woman appointed as the Court's Reporter of Decisions.</p>
2012	<p>A divided Court holds that the "individual mandate" provision of the 2010 Patient Protection and Affordable Care Act is a constitutional exercise of Congress' power to tax, but the justices struck down provisions that penalized states that did not expand their Medicaid programs (<i>National Federation of Independent Business v. Sibelius</i>).</p>
2013	<p>In <i>United States v. Windsor</i>, the Court declares unconstitutional Section 3 of the 1996 Defense of Marriage Act that prohibits the federal government from recognizing same-sex marriages validly performed or accepted under appropriate state laws.</p> <p><i>Shelby County, Alabama v. Holder</i> invalidates the 1965 Voting Rights Act's coverage formula that identifies those states that must obtain federal approval of changes in voting and election laws and procedures before they may go into effect.</p>
2014	<p>In <i>Town of Greece, New York v. Galloway</i>, the justices uphold the recitation of prayers before town council meetings.</p> <p>The justices strike down the aggregate limits on campaign contributions imposed by the Bipartisan Campaign Reform Act of 2002 (<i>McCutcheon v. Federal Election Commission</i>).</p>

Table 1-1 (Continued)

2015	In <i>Obergefell v. Hodges</i> , the justices hold that marriage is a fundamental liberty and states may not constitutionally deny same-sex couples the right to marry.
2016	Justice Antonin Scalia dies at the age of 79. Democrat President Barack Obama nominates Merrick Garland of the District of Columbia Court of Appeals to replace him. The Republican-controlled Senate, over the objection of Democrat senators, refuses to consider the nomination, arguing that Justice Scalia's replacement should be appointed by the winner of the upcoming 2016 presidential election. Because of Justice Scalia's death and the absence of a prompt replacement, the justices are unable to decide some cases authoritatively due to equally divided votes.
2017	Newly-elected president Donald Trump nominates Neil Gorsuch of the Tenth Circuit Court of Appeals to fill the Scalia vacancy. He is confirmed by the Senate 54–45 and takes the oath of office in April. The Court, now at full strength, had operated fourteen months with Justice Scalia's seat unfilled.
2018	Justice Anthony Kennedy retires. President Trump nominates Brett Kavanaugh of the District of Columbia Court of Appeals to replace him. The Senate confirmation hearings become a national controversy when charges arise that Kavanaugh engaged in acts of sexual impropriety during his years as a high school and college student. The Senate confirms Kavanaugh in a largely partisan 50–48 vote. In <i>South Dakota v. Wayfair</i> , the Court rules that states can require out-of-state businesses to collect and remit taxes on sales made to in-state residents. The decision permits a state to collect revenue from internet and mail order transactions by businesses with no physical presence in the state.
2019	In <i>Mitchell v. Wisconsin</i> , a plurality decides that when a suspected drunk driver is unconscious and cannot be given a breath test, the exigent-circumstances doctrine permits police to obtain a blood alcohol test without first securing a warrant.
2020	Due to the Covid-19 pandemic, the Supreme Court breaks tradition in several cases by hearing oral arguments remotely. In order to maintain the public nature of the oral argument stage, the audio of the proceedings is streamlined live to the public. In <i>Bostock v. Clayton County</i> and consolidated cases, the Court holds that a provision in Title VII of the Civil Rights Act of 1964 prohibiting employment discrimination based on "sex" includes a ban on discrimination against homosexual and transgender persons.

(Table continues)

Table 1-1 (Continued)

Justice Ruth Bader Ginsburg passes away in September at age 87. Eight days later President Trump announces the nomination of Seventh Circuit Court of Appeals Judge Amy Coney Barrett to replace her. Controversy over Barrett's confirmation erupts when the Republican-controlled Senate moves quickly to begin the confirmation process. Democrats object, arguing that with presidential and congressional elections less than two months away, the selection of Ginsburg's replacement should not take place until after the voters have spoken. Republicans press forward, and the Senate confirms Barrett by a highly partisan 52–48 margin.

Note: This list reflects the judgment of the authors.

Sources: David Savage, *Guide to the U.S. Supreme Court*, 4th ed. (Washington, D.C.: CQ Press, 2004), and prior editions; Kermit L. Hall, ed., *The Oxford Companion to the Supreme Court* (New York: Oxford University Press, 1992); Robert Shnayerson, *The Illustrated History of the Supreme Court of the United States* (New York: Abrams, 1986); Mary Ann Harrell and Burnett Anderson, *Equal Justice under Law* (Washington, D.C.: Supreme Court Historical Society, 1988); *United States Reports*, various years; and generally available media coverage.

Table 1-2 Brief Overview of the Supreme Court, 2021

Contact information	One First Street, N.E. Washington, D.C. 20543 Phone: (202) 479-3000 Internet: https://www.supremecourt.gov
Members	<i>Chief justice:</i> John G. Roberts, Jr. <i>Associate justices (in order of seniority):</i> Clarence Thomas Stephen G. Breyer Samuel A. Alito, Jr. Sonia M. Sotomayor Elena Kagan Neil M. Gorsuch Brett M. Kavanaugh Amy Coney Barrett
Retired Members	Sandra Day O'Connor David H. Souter Anthony M. Kennedy
Information about membership	The Supreme Court consists of the chief justice of the United States and such number of associate justices as may be fixed by Congress. The number of Associate Justices is currently fixed at eight (28 U.S.C. §1). 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, §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.”
Information about Court officers	Court officers assist the Court in the performance of its functions. They include the counselor to the chief justice, the clerk, the librarian, the marshal, the reporter of decisions, the court counsel, the curator, the director of information technology, and the public information officer. The counselor is appointed by the chief justice. The clerk, reporter of decisions, librarian, and marshal are appointed by the Court. All other court officers are appointed by the chief justice in consultation with the Court.

(Table continues)

Table 1-2 (Continued)

Officers	<p><i>Counselor to the Chief Justice:</i> Jeffrey P. Minear <i>Clerk:</i> Scott Harris <i>Librarian:</i> Linda Maslow <i>Marshal:</i> Gail A. Curley <i>Reporter of decisions:</i> Rebecca A. Womeldorf <i>Court counsel:</i> Ethan Torrey <i>Curator:</i> Catherine Fitts <i>Director of information technology:</i> Robert J. Hawkins <i>Public information officer:</i> Kathleen L. Arberg</p>
Constitutional origin	<p>Article III, §1, of the Constitution 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.</p>
Jurisdiction	<p>According to the Constitution (Art. III, §2): “The 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 et seq., and various special statutes.</p>

Table 1-2 (Continued)

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. See 28 U.S.C. §2071 et seq.
The building	The Supreme Court building is located at One First St. N.E., in Washington, D.C. The building was completed in 1935, a project spearheaded by Chief Justice William Howard Taft and designed by architects Cass Gilbert, Sr., Cass Gilbert, Jr. and John R. Rockart. Prior to having a building of its own, the Court sat in a variety of locations, its most lengthy home being the Capitol's Old Senate Chamber from 1860–1935. The building is normally open to the public Monday through Friday (except for federal holidays) from 9:00 a.m. to 4:30 p.m. Public access to the building may be restricted when public health or safety may require it, such as during the September 11, 2001, terrorist attack on Washington and the 2020 Covid-19 pandemic.
The term and caseload	The Term of the Court begins, by law, on the first Monday in October and lasts until the first Monday in October of the next year. Each Term, approximately 7,000–8,000 new cases are filed in the Supreme Court. Plenary review, with oral arguments by attorneys, is currently granted in about 80 of those cases each Term.

Source: United State Constitution; United States Code; United States Supreme Court, <https://www.supremecourt.gov>.

Table 1-3 Select Congressional Legislation Relating to the Supreme Court

<i>Name</i>	<i>Cite</i>	<i>Description</i>
Judiciary Act of 1789	1 Stat. 73	<p>Provided basic appellate jurisdiction</p> <p>Created a three-tier judiciary staffed by Supreme Court justices and district court judges</p> <p>Required Supreme Court justices to ride circuit</p> <p>Mandated that Court consist of a chief justice and five associate justices, any four of whom would be a quorum</p>
Judiciary Act of 1801	2 Stat. 89	<p>Restructured the federal court system by creating independent circuit courts</p> <p>Eliminated circuit riding duties for Supreme Court justices</p>
Repeal Act of 1802	2 Stat. 132	Repealed the Judiciary Act of 1801
Amendatory Act of 1802	2 Stat. 156	Revised terms of the Supreme Court, with the effect of prohibiting Court from meeting for fourteen months (December 1801 to February 1803)
Act of 1807	2 Stat. 421	Set the number of justices at seven
Judiciary Act of 1837	5 Stat. 176	<p>Divided country into nine circuits</p> <p>Brought number of justices to nine</p> <p>Expanded the Court's jurisdiction to include appeals from new states and territories</p>
Judiciary Act of 1863	12 Stat. 794	Added a tenth justice
Judiciary Act of 1866	14 Stat. 209	Allowed Court to fall to seven members but omitted provisions allotting the justices among the circuits
Judiciary Act of 1867	14 Stat. 433	Provided for allotment of justices to circuits
Judiciary Act of 1869	16 Stat. 44	<p>Increased size of Court to nine</p> <p>Provided for a separate circuit judiciary of nine members</p> <p>Allowed federal judges to retire at full pay at 70 (changed to 65 in 1954) if they had at least ten years of service</p>
Act of 1873	17 Stat. 419	Formally fixed October as the start of the Court's term
Removal Act of 1875	18 Stat. 470	Greatly expanded the Court's jurisdiction over civil disputes

Table 1-3 (Continued)

<i>Name</i>	<i>Cite</i>	<i>Description</i>
		Gave Court full review over writs of error
Judiciary Act of 1887	24 Stat. 552	Granted Court full federal question review of state court decisions Curbed access to the federal courts by raising jurisdictional amount in diversity cases
Judiciary Act of 1891	26 Stat. 826	Provided for writ of error in all capital cases Established nine Circuit Courts of Appeals (renamed Courts of Appeals in 1948)
Act of July 20, 1892	27 Stat. 252	Broadened review over criminal cases
Act of 1911	36 Stat. 113	Provided for limited discretionary review via writs of <i>certiorari</i> Provided for <i>in forma pauperis</i> filings
Act of 1914	38 Stat. 790	Created general right of appeal from criminal convictions to the circuit court of appeals, with ultimate review power lying with the Supreme Court Opened the door to discretionary review by allowing Court to review by <i>certiorari</i> state court decisions in favor of rights claimed under federal law; previously, only state court decisions denying a right had been reviewable
Act of 1915	38 Stat. 803	Substituted <i>certiorari</i> for appellate jurisdiction in bankruptcy cases brought up from federal courts of appeals
Act of 1916	39 Stat. 726	Confined Court's obligatory jurisdiction over state court decisions to holdings invalidating federal law or validating a state law challenged as inconsistent with federal law; all other state courts decisions were made reviewable by the discretionary writ of <i>certiorari</i>
Judiciary Act of 1925	43 Stat. 936	Greatly extended Court's discretionary jurisdiction by replacing mandatory appeals with petitions for <i>certiorari</i>

(Table continues)

Table 1-3 (Continued)

<i>Name</i>	<i>Cite</i>	<i>Description</i>
Act of 1946	58 Stat. 272	Mandated procedures for when Court cannot obtain a quorum of any six of the nine justices
Voting Rights Act of 1965	79 Stat. 438	Provided direct appeal of decisions of three-judge district courts in the area of voting rights
Acts of 1970, 1974, 1975, 1976	84 Stat. 1890, 88 Stat. 1706, 88 Stat. 1917, 90 Stat. 1119	Abolished most three-judge district court requirements and consequent direct appeals to the Supreme Court
		Expanded Court's discretionary review
		Eliminated direct appeals in antitrust and Interstate Commerce Commission cases
Act to Improve the Administration of Justice (1988)	102 Stat. 4642	Eliminated virtually all of the Court's nondiscretionary jurisdiction, except for appeals in reapportionment cases and suits under the Civil Rights Act, the Voting Rights Act, antitrust laws, and the Presidential Election Campaign Act
Effective Death Penalty Act of 1996	110 Stat. 1214	Limited federal court jurisdiction over <i>habeas corpus</i> petitions in death penalty cases
Detainee Treatment Act of 2005	119 Stat. 2739	Removed from federal jurisdiction certain applications for writs of <i>habeas corpus</i> filed by or on behalf of an alien detained by the Department of Defense at Guantanamo Bay, Cuba

Sources: Robert L. Stern and Eugene Gressman, *Supreme Court Practice* (Washington, D.C.: Bureau of National Affairs, various years); David M. O'Brien, *Storm Center* (New York: Norton, 1990); U.S. Senate, "Creation of the Federal Judiciary," Sen. Doc. No. 91, 75th Cong., 1st sess., July 22, 1937 (Washington, D.C.: Government Publishing Office, 1938); United States Code.

Table 1-4 Sections of the United States Code Pertaining to the Organization of the Supreme Court

§ 1. Number of justices; quorum

The Supreme Court of the United States shall consist of a Chief Justice of the United States and eight associate justices, any six of whom shall constitute a quorum.

§ 2. Terms of court

The Supreme Court shall hold at the seat of government a term of court commencing on the first Monday in October of each year and may hold such adjourned or special terms as may be necessary.

§ 3. Vacancy in office of Chief Justice; disability

Whenever the Chief Justice is unable to perform the duties of his office or the office is vacant, his powers and duties shall devolve upon the associate justice next in precedence who is able to act, until such disability is removed or another Chief Justice is appointed and duly qualified.

§ 4. Precedence of associate justices

Associate justices shall have precedence according to the seniority of their commissions. Justices whose commissions bear the same date shall have precedence according to seniority in age.

§ 5. Salaries of justices

The Chief Justice and each associate justice shall each receive a salary at annual rates determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351–361), as adjusted by section 461 of this title.

§ 6. Records of former court of appeals

The records and proceedings of the court of appeals, appointed previous to the adoption of the Constitution, shall be kept until deposited with the National Archives of the United States in the office of the clerk of the Supreme Court, who shall furnish copies thereof to any person requiring and paying for them, in the manner provided by law for giving copies of the records and proceedings of the Supreme Court. Such copies shall have the same faith and credit as proceedings of the Supreme Court.

Source: United States Code, Title 28, Judiciary and Judicial Procedure, Part I, Chapter 1—The Supreme Court. These provisions are available at <http://uscode.house.gov/browse/prelim@title28/part1/chapter1&edition=prelim>.

Table 1-5 Sections of the United States Code Pertaining to the Jurisdiction of the Supreme Court

§ 1251. *Original Jurisdiction*

(a) The Supreme Court shall have original and exclusive jurisdiction of all controversies between two or more States.

(b) The Supreme Court shall have original but not exclusive jurisdiction of:

(1) All actions or proceedings to which ambassadors, other public ministers, consuls, or vice consuls of foreign states are parties;

(2) All controversies between the United States and a State;

(3) All actions or proceedings by a State against the citizens of another State or against aliens.

§ 1253. *Direct appeals from decisions of three-judge courts*

Except as otherwise provided by law, any party may appeal to the Supreme Court from an order granting or denying, after notice and hearing, an interlocutory or permanent injunction in any civil action, suit or proceeding required by any Act of Congress to be heard and determined by a district court of three judges.

§ 1254. *Courts of appeals; certiorari; certified questions*

Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

(1) By writ of *certiorari* granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;

(2) By certification at any time by a court of appeals of any question of law in any civil or criminal case as to which instructions are desired, and upon such certification the Supreme Court may give binding instructions or require the entire record to be sent up for decision of the entire matter in controversy.

§ 1257. *State courts; certiorari*

(a) Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of *certiorari* where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

(b) For the purposes of this section, the term "highest court of a State" includes the District of Columbia Court of Appeals.

Table 1-5 (Continued)

§ 1258. Supreme Court of Puerto Rico; certiorari

Final judgments or decrees rendered by the Supreme Court of the Commonwealth of Puerto Rico may be reviewed by the Supreme Court by writ of *certiorari* where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of the Commonwealth of Puerto Rico is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

§1259. Court of Appeals for the Armed Forces; certiorari

Decisions of the United States Court of Appeals for the Armed Forces may be reviewed by the Supreme Court by writ of *certiorari* in the following cases:

- (1) Cases reviewed by the Court of Appeals for the Armed Forces under section 867(a)(1) of title 10.
- (2) Cases certified to the Court of Appeals for the Armed Forces by the Judge Advocate General under section 867(a)(2) of title 10.
- (3) Cases in which the Court of Appeals for the Armed Forces granted a petition for review under section 867(a)(3) of title 10.
- (4) Cases, other than those described in paragraphs (1), (2), and (3) of this subsection, in which the Court of Appeals for the Armed Forces granted relief.

§1260. Supreme Court of the Virgin Islands; certiorari

Final judgments or decrees rendered by the Supreme Court of the Virgin Islands may be reviewed by the Supreme Court by writ of *certiorari* where the validity of a treaty or statute of the United States is drawn into question or where the validity of a statute of the Virgin Islands is drawn into question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution, or treaties, or statutes of, or any commission held or authority exercised under, the United States.

Source: United States Code, Title 28, Judiciary and Judicial Procedure, Part IV—Jurisdiction and Venue, Chapter 81—Supreme Court. These provisions are available at <http://uscode.house.gov/browse/prelim@title28/part4/chapter81&edition=preliml>.

Table 1-6 Supreme Court Budget Appropriations, 1930–2021

<i>Fiscal year</i>	<i>Salaries and expenses^a</i>	<i>Building and grounds^b</i>	<i>Other</i>	<i>Total</i>
1930	\$343,420	c		\$343,420
1931	343,420	\$1,000,000 ^d	\$50,000 ^e	1,393,420
1932	343,420	3,750,000		4,093,420
1933	324,500	1,000,000		1,324,500
1934	315,173	3,490,000		3,805,173
1935	358,830	30,348		389,178
1936	486,000	49,080		535,080
1937	508,500	55,000		563,500
1938 ^f	470,900	60,000		530,900
1939	479,160	61,500		540,660
1940	504,000 ^g	62,500		566,500
1941	500,000	65,000		573,000
1942	601,460	70,017		671,477
1943	569,161	70,566		639,727
1944	642,214	76,600		718,814
1945	652,959	80,000		732,959
1946	668,500	104,100		772,600
1947	801,906	121,231		923,137
1948	852,920	122,800		975,720
1949	990,400	190,700		1,181,100
1950	944,100	152,000		1,096,100
1951	1,080,800	159,200		1,240,000
1952	1,152,050	172,500		1,324,550
1953	1,189,550	174,100		1,363,650
1954	1,193,236	174,100		1,367,336
1955	1,194,985	350,800		1,545,785
1956	1,294,285	367,400		1,661,685
1957	1,361,285	201,500		1,562,785
1958	1,423,835	218,200		1,642,035
1959	1,519,800	219,200		1,811,000
1960 ^h	1,536,000	347,000		1,883,000
1961	1,642,000	287,000		1,929,000
1962	1,712,000	284,000		1,996,000
1963	1,752,000	323,000		2,075,000
1964	1,853,000	355,000		2,208,000
1965	2,195,000	305,000		2,500,000
1966	2,270,000	319,000		2,589,000
1967	2,305,000	324,000		2,629,000
1968	2,356,000	334,000		2,690,000
1969	2,602,000	361,000		2,963,000
1970	3,138,000	410,000		3,548,000

Table 1-6 (Continued)

<i>Fiscal year</i>	<i>Salaries and expenses^a</i>	<i>Building and grounds^b</i>	<i>Other</i>	<i>Total</i>
1971	3,746,000	502,000		4,248,000
1972	4,180,000	561,000		4,741,000
1973	4,719,000	1,014,000	95,000 ⁱ	5,828,000
1974	5,353,000	1,493,000	75,000 ⁱ	6,921,000
1975	5,892,000	1,004,000	372,000 ⁱ	7,268,000
1976	6,582,000	1,454,000		8,036,000
1976 ^j	1,576,000	196,000		1,772,000
1977	7,732,000	831,000		8,563,000
1978	8,691,000	1,588,000		10,279,000
1979	9,690,000	1,475,000		11,165,000
1980	10,363,000	2,182,000		12,545,000
1981	11,840,000	1,568,000	645,000 ^k	14,053,000
1982	11,635,000	1,654,000		13,289,000
1983	12,675,000	2,000,000		14,675,000
1984	13,635,000	2,571,000		16,206,000
1985	14,143,000	2,242,000		16,385,000
1986	14,399,000	2,223,000		16,622,000
1987	15,513,000	2,336,000		17,849,000
1988	15,247,000	2,110,000		17,357,000
1989	15,901,000	2,131,000		18,032,000
1990	17,497,000	4,369,000		21,866,000
1991	19,083,000	3,453,000		22,536,000
1992	20,787,000	3,801,000		24,588,000
1993	22,286,000	3,320,000		25,606,000
1994	23,000,000	2,850,000		25,850,000
1995	24,000,000	3,000,000		27,000,000
1996	26,000,000	3,000,000		29,000,000
1997	27,000,000	3,000,000		30,000,000
1998	29,000,000	3,000,000		32,000,000
1999	32,000,000	5,000,000		37,000,000
2000	35,000,000	8,000,000		43,000,000
2001	39,000,000	9,000,000		48,000,000
2002	40,000,000	78,000,000 ^l		118,000,000
2003	47,000,000	41,000,000 ^l		88,000,000
2004	55,000,000	26,000,000 ^l		81,000,000
2005	57,000,000	10,000,000		67,000,000

(Table continues)

Table 1-6 (Continued)

<i>Fiscal year</i>	<i>Salaries and expenses^a</i>	<i>Building and grounds^b</i>	<i>Other</i>	<i>Total</i>
2006	60,000,000	6,000,000		66,000,000
2007	63,000,000	11,000,000		74,000,000
2008	67,000,000	12,000,000		79,000,000
2009	70,000,000	18,000,000		88,000,000
2010	74,000,000	15,000,000		89,000,000
2011	74,000,000	8,000,000		82,000,000
2012	75,000,000	8,000,000		83,000,000
2013	71,000,000	8,000,000		79,000,000
2014	75,000,000	11,000,000		86,000,000
2015	75,000,000	12,000,000		87,000,000
2016	78,000,000	10,000,000		88,000,000
2017	78,000,000	15,000,000		93,000,000
2018	85,000,000	16,000,000		101,000,000
2019	86,000,000	16,000,000		102,000,000
2020 (est.)	90,000,000	16,000,000		106,000,000
2021 (est.)	96,000,000	12,000,000		108,000,000

^aInclude salaries for Court employees, printing and binding of decisions, purchase of books and periodicals (after 1939), committees on the preparation of rules for criminal and civil procedure (1936–1938, 1942–1954), automobile and driver for the chief justice (after 1954), and miscellaneous expenses. Figures for recent years based on net budget authority.

^bInclude improvements, maintenance, repairs, equipment, supplies, materials, special clothing for workers, snow removal, and miscellaneous expenses. Figures for recent years based on net budget authority. Building and grounds funds are administered by the Architect of the Capitol.

^cBuilding rental costs were part of the Department of Justice appropriations at this time and consequently are not included.

^dConstruction of the Supreme Court building began in 1931 and continued through 1934, accounting for the large expenditures for buildings and grounds.

^eCost of purchase of printing plates for volumes 1–265 of the *Supreme Court Reports*.

^fBeginning in 1938 all court appropriations were included in a separate Judiciary section of the federal budget. Previously appropriations for the federal courts had been part of the budget for the Justice Department.

^gAn appropriation for books and periodicals is included in the Court's budget for the first time. Prior to 1940 such library expenses were part of the Library of Congress budget.

^hBeginning with fiscal year 1960 budgetary figures are stated in thousands of dollars rather than actual expenditures.

ⁱAdditional appropriation of funds for the care of the building and grounds.

^jIn 1976 the federal government moved the end of the fiscal year from June 30 to September 30. To accomplish this a special transition fiscal quarter was necessary.

^kAcquisition of property as an addition to the grounds of the Supreme Court.

^lThe substantial increase in funds for buildings and grounds is due to the first major renovation of the building since its construction, as well as the government's response to increased security concerns following the terrorist attacks in New York and Washington in September 2001.

Sources: Office of Management and Budget, *Budget of the United States Government* (Washington, D.C.: Government Publishing Office, 1932–1962) and *Appendix to the Budget* (Washington, D.C.: Government Publishing Office, 1963–2020).

Table 1-7 The Supreme Court's Operational Budget, Fiscal Years 2019–2021

<i>Budgetary categories</i>	<i>2019</i>	<i>2020 (est.)</i>	<i>2021 (est.)</i>
Supreme Court operations			
Personnel compensation	\$50,000,000	\$50,000,000	\$53,000,000
Civilian personnel benefits	17,000,000	20,000,000	21,000,000
Travel and transportation	1,000,000	1,000,000	1,000,000
Communications, utilities, etc.	1,000,000	1,000,000	1,000,000
Other services	10,000,000	10,000,000	11,000,000
Supplies and materials	3,000,000	3,000,000	3,000,000
Equipment	4,000,000	5,000,000	6,000,000
Total operations	86,000,000	90,000,000	96,000,000

Note: Figures are based on total new obligations.

Source: Office of Management and Budget, *Appendix to the Budget* (Washington, D.C.: Government Printing Office, 2020).

Table 1-8 Salaries of the Justices, 1789–2020

<i>Date Effective</i>	<i>Chief justice</i>	<i>Associate justices</i>
September 23, 1789	\$4,000	\$3,500
January 1, 1819	5,000	4,500
March 3, 1855	6,500	6,000 ^a
July 1, 1871	8,500	8,000
March 4, 1873	10,500	10,000
March 1, 1903	13,000	12,500
June 1, 1911	15,000	14,500
January 1, 1927	20,500	20,000
August 1, 1946	25,500	25,000
March 1, 1955	35,500	35,000
July 1, 1964	40,000	39,500
March 1, 1969	62,500	60,000
October 1, 1975	65,600	63,000
October 1, 1976	68,800	66,000
March 1, 1977	75,000	72,000
October 1, 1979	84,700	81,300
October 1, 1980	92,400	88,700
October 1, 1981	96,800	93,000
October 1, 1982	100,700	96,700
January 1, 1984	104,700	100,600
January 1, 1985	108,400	104,100
January 1, 1987	111,700	107,200
March 1, 1987	115,000	110,000
February 1, 1990	124,000	118,600
January 1, 1991	160,600	153,600
January 1, 1992	166,200	159,000
January 1, 1993	171,500	164,100
January 1, 1998	175,400	167,900
January 1, 2000	181,400	173,600
January 1, 2001	186,300	178,300
January 1, 2002	192,600	184,400
January 1, 2003	198,600	190,100
January 1, 2004	203,000	194,300
January 1, 2005	208,100	199,200
January 1, 2006	212,100	203,000
January 1, 2008	217,400	208,100
January 1, 2009	223,500	213,900
January 1, 2014	255,500	244,400
January 1, 2015	258,100	246,800
January 1, 2016	260,700	249,300
January 1, 2017	263,300	251,800

Table 1-8 (Continued)

<i>Date Effective</i>	<i>Chief justice</i>	<i>Associate justices</i>
January 1, 2018	267,000	255,300
January 1, 2019	270,700	258,900
January 1, 2020	277,700	265,600

^aEffective March 3, 1863, the justice assigned to the Tenth Circuit was granted \$1,000 additional compensation for travel. This was repealed in 1866.

Source: Federal Judicial Center, History of the Federal Judiciary, "Judicial Salaries: Supreme Court Justices," <https://www.fjc.gov/history/judges/judicial-salaries-supreme-court-justices>.

ANALYZING THE SALARIES OF THE JUSTICES

A DATA LITERACY LESSON

What's in the Table

Table 1-8 shows the salaries of the Chief Justice and Associate Justices since 1789. The amounts are actual (unadjusted) dollars; in other words, the first Chief Justice was actually paid \$4,000 and the Associates, \$3,500.

Interpreting the Table

According to Article III of the U.S. Constitution, federal judges and justices shall “receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.” This means that Congress cannot reduce the judges’ salary—a prohibition that helps preserve judicial independence. If judges had to worry about salary reductions, they might issue decisions to please Congress even if they thought the decisions were incorrect (on whatever grounds).

For this reason, the justices’ salary has never been reduced. Actually, it has increased by nearly 7,500 percent, from \$3,500 in 1789 (for Associates) to the current \$265,600.

This change is easy enough to see by comparing the first and last rows of Table 1-8. What is harder to know is whether this is a small or large change or even whether justices are over or underpaid. To answer these questions, you could proceed in several ways—for example, adjusting the dollar amounts to account for inflation or comparing the salaries of U.S. justices with those of high court justices in other democracies.

Another approach, which we take in Figure 1, is to compare the raw salaries of Associate Justices and U.S. Senators since 1990.¹ Note, first, the justices’ line is always above the senators’ line, meaning that justices earned more than senators. On average, over the 31 years shown in the figure, senators made \$153,877 versus \$198,810 for justices—a difference of \$44,932.

Second, the lines mostly run parallel, suggesting that Congress increased the salaries of senators and justices simultaneously. But not so in the last decade. Senate salaries have remained flat (at \$174,000) since 2009, while the justices’ salaries increased over the last five years or so from \$213,900 (2009–2013) to the current \$265,600.

To make the comparison even more precise, we can turn to linear regression. This statistical tool, in a nutshell, helps quantify the effect of an input on an output—with the relevant question here being: With each passing year (the input), how much does salary (the output) change?² Over the entire three decades (1990–2020), the regressions tell us that the senators’

salary increased by about \$2,255 annually, compared with almost \$4,000 for the justices.

This would seem to be a large difference but, as Figure 1 indicates, the gap may reflect the flat salary of senators since 2009. And, in fact, prior to 2010, regressions show that senators' and justices' salaries increased at roughly the same dollar amount (about \$3,500 annually³). After 2013, the justices received an even greater increase (on average, of about \$5,500 annually⁴), whereas the senators received none.

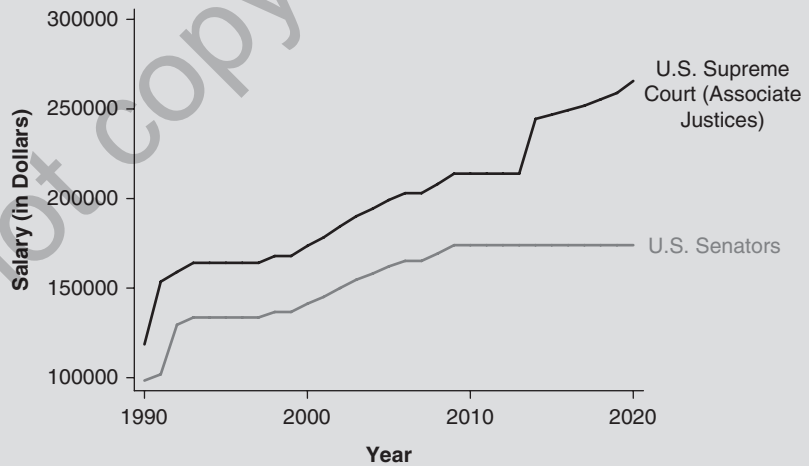
What you make of these results is up to you. For some help in thinking through questions of judicial compensation, we recommend the following sources:

Anderson, James M. & Eric Heiland. 2012. "How Much Should Judges Be Paid? An Empirical Study on the Effect of Judicial Pay on the State Bench." *Stanford Law Review* 64: 1277–1341.

Baker, Scott. 2008. "Should the Salaries of Federal Judges be Raised?" *Boston University Law Review* 88: 63–112.

Choi, Stephen J., G. Mitu Gulati, & Eric A. Posner. 2009. "Are Judges Overpaid? A Skeptical Response to the Judicial Salary Debate." *Journal of Legal Analysis* 1: 47–117.

Figure 1 Salaries of U.S. Senators and Associate Justices of the U.S. Supreme Court, 1990–2020.



(Continued)

(Continued)

Cross, Frank B. & Dain C. Donelson. 2010. "Creating Quality Courts." *Journal of Empirical Legal Studies* 7: 490–510.

DeAngelo, Gregory & Bryan C. McCannon. 2017. "Judicial Compensation and Performance." *Supreme Court Economic Review* 25: 129–147.

Klerman, Daniel & Paul Mahoney. 2005. "The Value of Judicial Independence." *American Law & Economics Review* 7: 1–27.

Pfander, James E. 2008. "Judicial Compensation and the Definition of Judicial Power in the Early Republic." *Michigan Law Review* 107: 1–52.

Yoon, Albert. 2006. "Pensions, Politics and Judicial Tenure: An Empirical Study of Federal Judges, 1869–2002." *American Law & Economics Review* 8: 143–180.

¹The Senate salaries are at: <https://www.senate.gov/senators/SenateSalariesSince1789.htm>.

²For more on linear regression, see Lee Epstein & Andrew D. Martin, *An Introduction to Empirical Legal Research* (Oxford University Press, 2014).

³\$3,250 for the senators; \$3,670, for justices.

⁴This figure is from a regression of the justices' salaries on year since 2009.

Table 1-9 Retirement and Pension Provisions for the Supreme Court Justices

<i>Year of enactment</i>	<i>Provisions</i>
1869	The first judicial pension statute is passed. Justices having reached the age of 70 with at least ten years of service may resign their office and receive for life the same salary that was payable to them at the time of their resignation.
1909	Justices having reached the age of 70 with at least ten years of continuous service as a federal judge may resign their office and receive for life the salary that was payable at the time of their resignation for the office held ten years before the date of resignation.
1911	Justices having reached the age of 70 with at least ten years of continuous service as a federal judge may resign their office and receive for life the salary that was payable to them at the time of resignation for the office held at the time of resignation.
1929	Federal law is amended so that the ten years of judicial service required for pension eligibility need no longer be continuous.
1937	Justices having reached the age of 70 with at least ten years of service as a federal judge are allowed to retire in senior status rather than to resign. Senior justices retain the authority to perform judicial duties in any circuit when called upon by the chief justice. Senior justices receive the same pension benefits as resigned justices. (Lower court judges were given the "senior status" option in 1919.)
1939	The first judicial disability statute is enacted. Justices who become permanently disabled may retire regardless of age. Disabled justices who have less than ten years of service as a federal judge receive for life one-half of the annual salary being received on the date of retirement. Disabled justices with more than ten years of service as a federal judge receive for life the full annual salary being received on the date of retirement.
1948	Justices having reached the age of 70 with ten years of service as a federal judge who resign their office receive for life the full salary payable to them at the time of their resignations. Justices having reached the age of 70 with ten years of service as a federal judge who retire from office in senior status continue to receive the salary of their office for life. This includes any salary increases that might be granted to sitting justices. Disabled justices retiring receive the same benefits as other senior status justices, subject to the service provisions of the 1939 act.

(Table continues)

Table 1-9 (Continued)

<i>Year of enactment</i>	<i>Provisions</i>
1954	Eligibility to take senior status is expanded to allow justices to take advantage of this option at age seventy with ten years of federal judicial service or at age 65 with 15 years of service.
1984	Federal law removes the term <i>resignation</i> from the pension regulations. Justices having reached the age of 65 may retire from office provided that the sum of their age and years of judicial service equal at least 80. Such retired justices receive for life the salary of their office at the time of their retirement. Justices having reached the age of 65 may retire in senior status provided that the sum of their age and years of judicial service equal at least 80. Such senior justices will receive for life the salary of the office.
1989	Justices retiring in senior status are required to perform actual judicial duties in order to continue to receive the same salary increases as sitting members of the Court. Each year such justices must certify that during the previous 12 months they have been engaged in judicial work generally equivalent to what a regular sitting member of the judiciary would accomplish in three months. Normally this judicial work would be performed as a visiting judge at the court of appeals level.

Sources: United States Code; Statutes at Large, various years. For current regulations, see Title 28 of the United States Code, especially Part I, chapter 17, sections 371–372.

Table 1-10 Outline of the Rules of the Supreme Court of the United States

Part I. The Court
 Rule 1. Clerk
 Rule 2. Library
 Rule 3. Term
 Rule 4. Sessions and quorum

Part II. Attorneys and Counselors
 Rule 5. Admission to the bar
 Rule 6. Argument *Pro Hac Vice*
 Rule 7. Prohibition against practice
 Rule 8. Disbarment and disciplinary action
 Rule 9. Appearance of counsel

Part III. Jurisdiction on Writ of *Certiorari*
 Rule 10. Considerations governing review on *certiorari*
 Rule 11. *Certiorari* to a United States Court of Appeals before judgment
 Rule 12. Review on *certiorari*: how sought; parties
 Rule 13. Review on *certiorari*: time for petitioning
 Rule 14. Content of a petition for a writ of *certiorari*
 Rule 15. Briefs in opposition; reply briefs; supplemental briefs
 Rule 16. Disposition of a petition for a writ of *certiorari*

Part IV. Other Jurisdiction
 Rule 17. Procedure in an original action
 Rule 18. Appeal from a United States District Court
 Rule 19. Procedure on a certified question
 Rule 20. Procedure on a petition for an extraordinary writ

Part V. Motions and Applications
 Rule 21. Motions to the Court
 Rule 22. Applications to individual justices
 Rule 23. Stays

Part VI. Briefs on The Merits and Oral Argument
 Rule 24. Briefs on the merits: in general
 Rule 25. Briefs on the merits: numbers of copies and time to file
 Rule 26. Joint appendix
 Rule 27. The calendar
 Rule 28. Oral argument

Part VII. Practice and Procedure
 Rule 29. Filing and service of documents; special notifications; corporate listing
 Rule 30. Computation and extension of time
 Rule 31. Translations

(Table continues)

Table 1-10 (Continued)

Rule 32. Models, diagrams, exhibits, and lodgings
Rule 33. Document preparation: booklet format; 8½- by 11-inch paper format
Rule 34. Document preparation: general requirements
Rule 35. Death, substitution, and revivor; public officers
Rule 36. Custody of Prisoners in *habeas corpus* proceedings
Rule 37. Brief for an *amicus curiae*
Rule 38. Fees
Rule 39. Proceedings *in forma pauperis*
Rule 40. Veterans, seamen, and military cases

Part VIII. Disposition of Cases
Rule 41. Opinions of the Court
Rule 42. Interest and damages
Rule 43. Costs
Rule 44. Rehearing
Rule 45. Process; mandates
Rule 46. Dismissing cases

Part IX. Definitions and Effective Date
Rule 47. Reference to “state court” and “state law”
Rule 48. Effective date of rules

Note: Rules adopted April 18, 2019; effective July 1, 2019.

Source: https://www.supremecourt.gov/filingandrules/rules_guidance.aspx.

Figure 1-1 The Processing of Supreme Court Cases

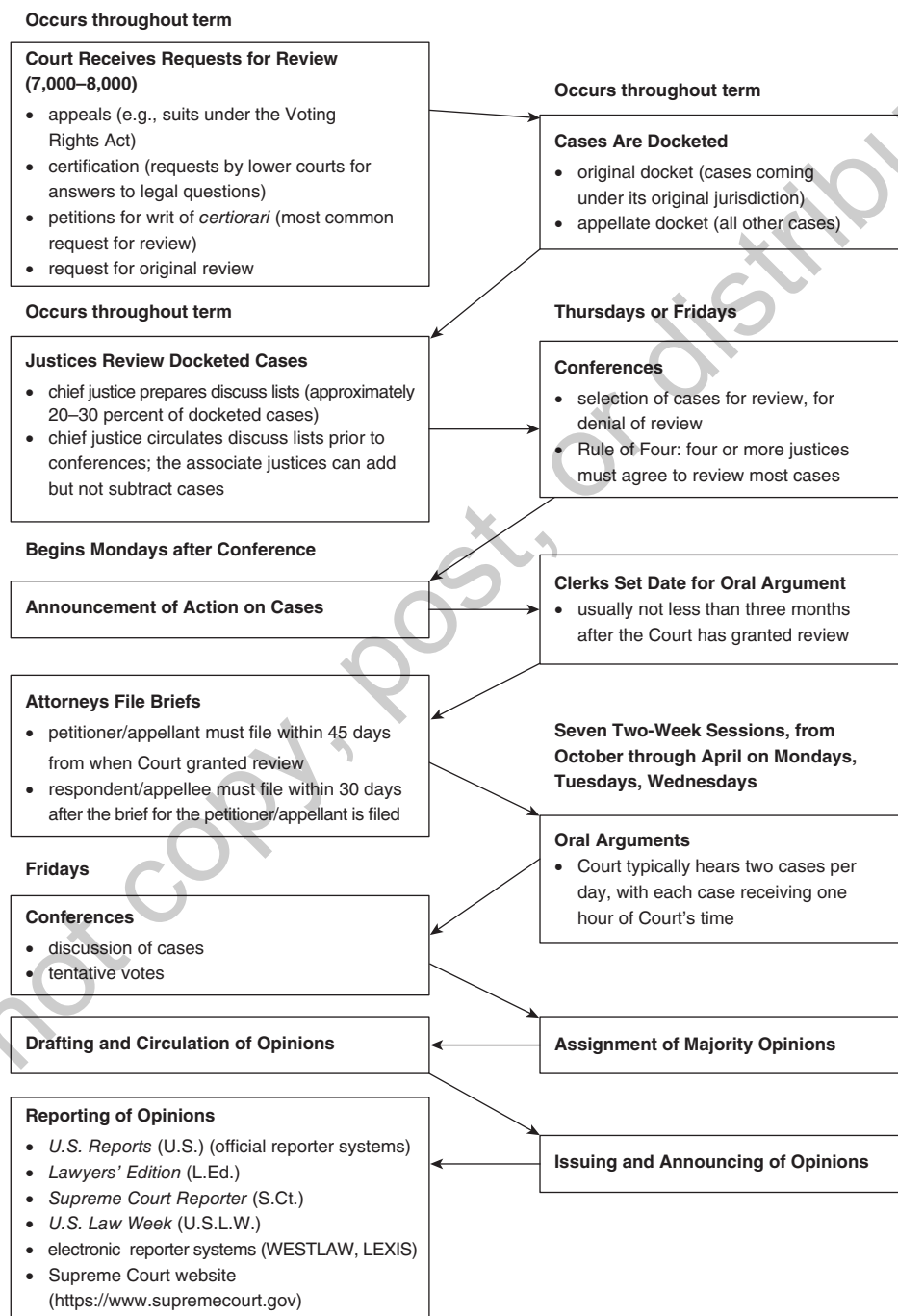


Table 1-11 The Supreme Court's Calendar

<i>Activity</i>	<i>Time</i>
Start of term	First Monday in October
Oral argument cycle	October to April on Mondays, Tuesdays, and Wednesdays (excluding holidays) in seven two-week sessions.
Recess cycle	October to April, two or more consecutive weeks following each two-week oral argument cycle and during winter holiday period.
Conferences	October to April: conferences held on the Friday before each two-week oral argument cycle and on the two Fridays during each oral argument cycle, with adjustments for federal holidays. May to June: conferences held last three Thursdays in May and each Thursday in June.
Majority opinion assignment	Within two weeks following the conference at which the case was discussed.
Opinion announcement	Throughout term, with bulk coming in May and June.
Summer recess	Late June/early July until first Monday in October
Initial conference	Late September/early October (resolve old business, consider <i>certiorari</i> petitions from the summer, discuss upcoming term.)

Source: United States Supreme Court, calendar for the October 2020 term. The Court's calendar for the current term may be found at https://www.supremecourt.gov/oral_arguments/calendarsandlists.aspx.

Table 1-12 Sections of the United States Code Pertaining to Supreme Court Officers and Employees*§ 671. Clerk^a*

(a) The Supreme Court may appoint and fix the compensation of a clerk and one or more deputy clerks. The clerk shall be subject to removal by the Court. Deputy clerks shall be subject to removal by the clerk with the approval of the Court or the Chief Justice of the United States.

(b) Repealed. Pub. L. 92-310, title II, Sec. 206(c), June 6, 1972, 86 Stat. 203.

(c) The clerk may appoint and fix the compensation of necessary assistants and messengers with the approval of the Chief Justice of the United States.

(d) The clerk shall pay into the Treasury all fees, costs, and other moneys collected by him. He shall make annual returns thereof to the Court under regulations prescribed by it.

§ 672. Marshal

(a) The Supreme Court may appoint a marshal, who shall be subject to removal by the Court, and may fix his compensation.

(b) The marshal may, with the approval of the Chief Justice of the United States, appoint and fix the compensation of necessary assistants and other employees to attend the Court, and necessary custodial employees.

(c) The marshal shall:

(1) Attend the Court at its sessions;

(2) Serve and execute all process and orders issued by the Court or a member thereof;

(3) Take charge of all property of the United States used by the Court or its members;

(4) Disburse funds appropriated for work upon the Supreme Court building and grounds under the jurisdiction of the Architect of the Capitol upon certified vouchers submitted by the Architect;

(5) Disburse funds appropriated for the purchase of books, pamphlets, periodicals and other publications, and for their repair, binding, and re-binding, upon vouchers certified by the librarian of the Court;

(6) Pay the salaries of the Chief Justice, associate justices, and all officers and employees of the Court and disburse other funds appropriated for disbursement, under the direction of the Chief Justice;

(7) Pay the expenses of printing briefs and travel expenses of attorneys on behalf of persons whose motions to appear *in forma pauperis* in the Supreme Court have been approved and when counsel have been appointed by the Supreme Court, upon vouchers certified by the clerk of the Court;

(8) Oversee the Supreme Court Police.

§ 673. Reporter

(a) The Supreme Court may appoint and fix the compensation of a reporter of its decisions who shall be subject to removal by the Court.

(Table continues)

Table 1-12 (Continued)

(b) The reporter may appoint and fix the compensation of necessary professional and clerical assistants and other employees, with the approval of the Court or the Chief Justice of the United States.

(c) The reporter shall, under the direction of the Court or the Chief Justice, prepare the decisions of the Court for publication in bound volumes and advance copies in pamphlet installments. The reporter shall determine the quality and size of the paper, type, format, proofs and binding subject to the approval of the Court or the Chief Justice.

§ 674. *Librarian*^b

(a) The Supreme Court may appoint a librarian, whose salary it shall fix, and who shall be subject to removal by the Court.

(b) The librarian shall, with the approval of the Chief Justice, appoint necessary assistants and fix their compensation and make rules governing the use of the library.

(c) He shall select and acquire by purchase, gift, bequest, or exchange, such books, pamphlets, periodicals, microfilm and other processed copy as may be required by the Court for its official use and for the reasonable needs of its bar.

(d) The librarian shall certify to the marshal for payment vouchers covering expenditures for the purchase of such books and other material, and for binding, rebinding and repairing the same.

§ 675. *Law clerks and secretaries*

The Chief Justice of the United States, and the associate justices of the Supreme Court may appoint law clerks and secretaries whose salaries shall be fixed by the Court.

§ 677. *Counselor to the Chief Justice*

(a) The Chief Justice of the United States may appoint a Counselor who shall serve at the pleasure of the Chief Justice and shall perform such duties as may be assigned to him by the Chief Justice. The salary payable to the Counselor shall be fixed by the Chief Justice at a rate which shall not exceed the salary payable to the Director of the Administrative Office of the United States Courts. The Counselor may elect to bring himself within the same retirement program available to the Director of the Administrative Office of the United States Courts, as provided by section 611 of this title, by filing a written election with the Chief Justice within the time and in the manner prescribed by section 611.

(b) The Counselor, with the approval of the Chief Justice, may appoint and fix the compensation of necessary employees. The Counselor and his employees shall be deemed employees of the Supreme Court.

(c)

(1) Notwithstanding section 1342 of title 31, the Counselor, with the approval of the Chief Justice, may accept voluntary personal services to assist with public and visitor programs.

Table 1-12 (Continued)

(2) No person may volunteer personal services under this subsection unless the person has first agreed, in writing, to waive any claim against the United States arising out of or in connection with such services, other than a claim under chapter 81 of title 5.

(3) No person volunteering personal services under this subsection shall be considered an employee of the United States for any purpose other than for purposes of—

(A) Chapter 81 of title 5; or

(B) Chapter 171 of this title.

(4) In the administration of this subsection, the Counselor shall ensure that the acceptance of personal services shall not result in the reduction in pay or displacement of any employee of the Supreme Court.

^aUnder the Rules of the Supreme Court (Part 1, Rule 1, “Clerk”):

1. The Clerk receives documents for filing with the Court and has authority to reject any submitted filing that does not comply with these Rules.

2. The Clerk maintains the Court’s records and will not permit any of them to be removed from the Court building except as authorized by the Court. Any document filed with the Clerk and made a part of the Court’s records may not thereafter be withdrawn from the official Court files. After the conclusion of proceedings in this Court, original records and documents transmitted to this Court by any other court will be returned to the court from which they were received.

3. Unless the Court or the Chief Justice orders otherwise, the Clerk’s office is open from 9 a.m. to 5 p.m., Monday through Friday, except on federal legal holidays listed in 5 U.S.C. § 6103.

^bUnder the Rules of the Supreme Court (Part 1, Rule 2, “Library”):

1. The Court’s library is available for use by appropriate personnel of this Court, members of the Bar of this Court, Members of Congress and their legal staffs, and attorneys for the United States and for federal departments and agencies.

2. The library’s hours are governed by regulations made by the Librarian with the approval of the Chief Justice or the Court.

3. Library books may not be removed from the Court building, except by a Justice or a member of a Justice’s staff.

Source: United States Code, Title 28, Judiciary and Judicial Procedure, Part III—Court Officers and Employees, Chapter 45—Supreme Court. These provisions are available at <https://uscode.house.gov/browse.xhtml>.

Table 1-13 Supreme Court Employees: Full-time Permanent Positions, 1930–2021

<i>Year</i>	<i>Court employees^a</i>	<i>Building and grounds employees^b</i>	<i>Other employees</i>
1930	52.5		
1931	50.8		
1932	51.8		
1933	52.8		
1934	51.8		
1935	54.5	18.4	
1936	156.9 ^c	29.0 ^c	7.4 ^d
1937	160.5	30.2	7.4 ^d
1938	172.8	32.0	0.4 ^d
1939	173.8	32.0	
1940	176.8	32.0	
1941	177.8	32.0	
1942	179.0	32.4	4.7 ^e
1943	172.7	29.1	5.7 ^{e,f}
1944	144.5	28.7	3.9 ^{e,f}
1945	144.1	29.7	3.0 ^{e,f}
1946	133.4	31.8	2.7 ^{e,f}
1947	142.0	34.0	
1948	151.0	34.9	
1949	157.0	36.0	
1950	159.0	36.0	
1951	162.0	37.0	
1952	162.0	37.0	
1953	163.0	37.0	
1954	163.0	37.0	
1955	162.0	38.0	1.0 ^g
1956	162.0	33.0	1.0
1957	163.0	33.0	1.0
1958	163.0	33.0	1.0
1959	164.0	33.0	1.0
1960	164.0	33.0	1.0
1961	166.0	33.0	1.0
1962	168.0	33.0	1.0
1963	168.0	33.0	1.0
1964	168.0	33.0	1.0
1965	189.0	33.0	1.0
1966	189.0	33.0	1.0
1967	190.0	33.0	1.0
1968	190.0	33.0	1.0

Table 1-13 (Continued)

<i>Year</i>	<i>Court employees^a</i>	<i>Building and grounds employees^b</i>	<i>Other employees</i>
1969	191.0	33.0	1.0
1970	204.0	33.0	1.0
1971	220.0	33.0	1.0
1972	227.0	33.0	1.0
1973	238.0	33.0	1.0
1974	243.0	33.0	1.0
1975	254.0	33.0	
1976	274.0	33.0	
1977	297.0	33.0	
1978	304.0	33.0	
1979	325.0	33.0	
1980	325.0	33.0	
1981	325.0	33.0	
1982	316.0	30.0	
1983	320.0	33.0	
1984	322.0	33.0	
1985	317.0	33.0	
1986	318.0	33.0	
1987	319.0	33.0	
1988	319.0	33.0	
1989	319.0	33.0	
1990	329.0	26.0	
1991	338.0	28.0	
1992 ^h	340.0	28.0	
1993	341.0	45.0	
1994	345.0	34.0	
1995	345.0	28.0	
1996	364.0	26.0	
1997	361.0	26.0	
1998	367.0	26.0	
1999	371.0	21.0	
2000	383.0	26.0	
2001	396.0	32.0	
2002	396.0	29.0	
2003	421.0	28.0	
2004	445.0	28.0	
2005	458.0	28.0	

(Table continues)

Table 1-13 (Continued)

<i>Year</i>	<i>Court employees^a</i>	<i>Building and grounds employees^b</i>	<i>Other employees</i>
2006	470.0	34.0	
2007	470.0	34.0	
2008	480.0	35.0	
2009	480.0	43.0	
2010	485.0	38.0	
2011	485.0	42.0	
2012	497.0	42.0	
2013	497.0	39.0	
2014	497.0	39.0	
2015	497.0	41.0	
2016	488.0	39.0	
2017	497.0	43.0	
2018	488.0	45.0	
2019	498.0	45.0	
2020 (est.)	522.0	54.0	
2021 (est.)	524.0	54.0	

^aIndividuals providing administrative and other services under the authority of the Supreme Court.

^bIndividuals assigned to the care of the Supreme Court building and grounds under statutory authority granted to the architect of the Capitol.

^cThe move to the new Supreme Court building required the hiring of many additional employees, including almost 30 positions for guards and 40 janitorial positions.

^dAdvisory committee on preparation of a unified system of general rules for cases in equity and actions of law. This commission ceased to exist in 1938.

^eAdvisory committee on the preparation of rules for criminal proceedings. It was funded for personnel through 1946.

^fAdvisory committee on the preparation of rules for civil proceedings. It was funded for personnel through 1946.

^gBeginning in 1955, the newly created position of a driver for the chief justice was placed in the "other" category. After 1974, this position was not itemized separately.

^hBeginning with the budget for fiscal 1992 (which contains the actual figures for 1990), the government eliminated the classification "full-time permanent positions." It was replaced with the classification "total compensable work years: full-time equivalent employment."

Sources: Office of Management and Budget, *Budget of the United States Government* (Washington, D.C.: Government Publishing Office, 1932–1962) and *Appendix to the Budget* (Washington, D.C.: Government Publishing Office, various years).

Table 1-14 Administrative Officers of the Supreme Court, 1790–2021

<i>Position</i>	<i>Officer</i>	<i>Years of service</i>	
Clerk of the Court ^a	John Tucker	1790–1791	
	Samuel Bayard	1791–1800	
	Elias B. Caldwell	1800–1825	
	William Griffith	1826–1827	
	William T. Carroll	1827–1863	
	D. W. Middleton	1863–1880	
	J. H. McKenney	1880–1913	
	James D. Maher	1913–1921	
	William R. Stansbury	1921–1927	
	C. Elmore Cropley	1927–1952	
	Harold B. Willey	1952–1956	
	John T. Fey	1956–1958	
	James R. Browning	1958–1961	
	John F. Davis	1961–1970	
	E. Robert Seaver	1970–1972	
	Michael Rodak, Jr.	1972–1981	
	Alexander Stevas	1981–1985	
	Joseph F. Spaniol, Jr.	1985–1991	
	William K. Suter	1991–2013	
	Scott Harris	2013–	
Reporter of decisions ^b	Alexander J. Dallas	1790–1800	
	William Cranch	1801–1815	
	Henry Wheaton	1816–1827	
	Richard Peters, Jr.	1828–1843	
	Benjamin C. Howard	1843–1861	
	Jeremiah S. Black	1861–1862	
	John W. Wallace	1863–1875	
	William T. Otto	1875–1883	
	J. C. Bancroft Davis	1883–1902	
	Charles Henry Butler	1902–1916	
	Ernest Knaebel	1916–1944	
	Walter Wyatt	1946–1963	
	Henry Putzel, Jr.	1964–1979	
	Henry C. Lind	1979–1987	
	Frank D. Wagner	1987–2010	
	Christine L. Fallon	2011–2020	
	Rebecca Anne Womeldorf	2021–	
	Marshal of the Court ^c	Richard C. Parsons	1867–1872
		John C. Nicolay	1872–1887
		John Montgomery Wright	1888–1915

(Table continues)

Table 1-14 (Continued)

<i>Position</i>	<i>Officer</i>	<i>Years of service</i>
	Frank Key Green	1915–1938
	Thomas E. Waggaman	1938–1952
	T. Perry Lippitt	1952–1972
	Frank M. Hepler	1972–1976
	Alfred Wong	1976–1994
	Dale E. Bosley	1994–2001
	Pamela Talkin	2001–2020
	Gail A. Curley	2021–
Librarian of the Court ^d	Henry Deforest Clarke	1887–1900
	Frank Key Green	1900–1915
	Oscar Deforest Clarke	1915–1947
	Helen C. Newman	1947–1965
	Henry Charles Hallam, Jr.	1965–1972
	Edward G. Hudon	1972–1976
	Betty H. Clowers (acting)	1976–1978
	Roger F. Jacobs	1978–1985
	Stephen G. Margeton	1985–1988
	Shelley L. Dowling	1989–2003
	Judith Ann Gaskell	2003–2011
	Linda Maslow	2012–

^aResponsible for administering and processing the Court's records and paperwork, including administration of the docket, receiving case filings, distributing papers to the justices, communicating with attorneys, and preparation of orders and judgments.

^bResponsible for editing, printing, and publishing the decisions and opinions of the Court.

^cInitially responsible for the Court's security, but over time also assumed responsibility for maintaining the Court's building and grounds and for administering the fiscal affairs of the institution.

^dResponsible for the acquisition and maintenance of the Court's books, periodicals, and other resources for legal research.

Sources: David Savage, *Guide to the U.S. Supreme Court*, 4th ed. (Washington, D.C.: CQ Press, 2004), and prior editions; <https://www.supremecourt.gov>; *United States Reports*, various years.