

By law, the U.S. Supreme Court's term begins on the first Monday in October and goes through the Sunday before the first Monday in October of the following year. Typically, the Court is in recess from late June/early July until the first Monday in October. In October of 2021, the Supreme Court returned to in-person oral arguments for the first time since the COVID-19 pandemic began. The nine justices went back into the courtroom to kick off a new term with several controversial issues such as abortion, gun rights, religion, and the death penalty.

Current justices on the US Supreme Court

Nominated by Republican president



John Roberts



Samuel Alito



Clarence Thomas



Neil Gorsuch



Brett Kavanaugh



Amy Coney Barrett

Nominated by Democratic president



Stephen Breyer



Elena Kagan



Sonia Sotomayor

Organization of the Supreme Court

Since the Reconstruction era, the court has had nine justices: one chief justice and eight associate justices. The size of the court is set by statute, not the Constitution, which means Congress may change the number of justices at any time. While adding justices to tilt the court's partisan makeup was debated during the 2020 election cycle, the last serious attempt to expand the size of the court was from President Franklin D. Roosevelt in 1937. Congress decided against the proposal, and Roosevelt was widely criticized for it. President Joe Biden signed an executive order in April forming a commission to analyze potential structural changes to the high court, including the membership and size of the court.

The current court has a 6-3 advantage for conservatives based on presidential nominations. The justices themselves say that partisanship does not play a role in their work. Six justices, including the chief justice, were nominated by Republican presidents, including three by President Donald Trump. Democratic presidents appointed three justices.

The Constitution dictates that all federal judges, including justices appointed to the Supreme Court, serve for life, but they can retire. Thomas, appointed in 1991, is the longest-serving justice on the court. Breyer, appointed in 1993, is the longest-serving justice appointed by a Democrat. Trump's three appointees are the newest justices on the court.

Cases to be Heard by the Court

The court hears oral arguments in about 80 cases each term, selecting from a pool of 7,000 to 8,000 petitions. The court has considered fewer cases during the COVID-19 pandemic, handing down about 65 merits opinions in the term that ended earlier this year.

A string of rulings over the summer of 2021 aligned with Republican positions on immigration, voting rights, the eviction moratorium, and other contentious issues has prompted questions about whether the 6-3 conservative majority is directing the Court. "This term will prove to be a real test of whether the Supreme Court can rise above the partisan divide that has afflicted virtually every other institution in our democracy," said David Cole, national legal director of the American Civil Liberties Union.

For the new term, the court will hear cases related to abortion, rights for gun owners, religion, and the death penalty in the term that began Monday. A case about Mississippi's ban on most abortions after 15 weeks of pregnancy threatens to topple the court's 1973 *Roe v. Wade* decision that established a constitutional right to abortion and a ruling in 1992 that governs when a state may regulate that right.

The court also has agreed to hear a challenge to New York's gun licensing requirement for carrying a gun in public and an appeal to reinstate the death penalty for Boston Marathon bomber Dzhokhar Tsarnaev.

After arguments, the court generally takes about four to six months to announce its decision in a case, with factors such as the complexity of the case and the number of justices choosing to write opinions affecting the time frame. The court's most important and most controversial cases are usually handed down during the final days of its term.

QUESTIONS

TRUE OR FALSE? Write a **T** or **F** in the space provided.

- ___ 1. Supreme Court Justices serve the same term as the president.
- ___ 2. The Constitution mandates the number of Justices on the Supreme Court.
- ___ 3. Republican presidents have appointed more of the current justices.
- ___ 4. Supreme Court justices are appointed for life.
- ___ 5. The Chief Justice of the Supreme Court is John Roberts.
- ___ 6. There are 10 justices on the Supreme Court, one chief justice plus nine associate justices.
- ___ 7. The Supreme Court usually takes about one week to announce a decision.
- ___ 8. Gun control is rarely brought before the Supreme Court.