



# Co-Equal Leader

*The role of the Chief Justice of the United States*

The Chief Justice of the United States presides over the third branch of the federal government. There have only been 17 Chief Justices since 1789, while there have been 46 Presidents. Chief Justices, like all Justices and federal judges, are appointed for life-tenured terms during good behavior. On average, Chief Justices have served for 13 years. Chief Justice John Marshall served the longest at 34 years. Each Chief Justice brings their own unique experience to the role and there is no formal list of requirements, not even being born an American citizen. Many Chief Justices served in one of the other two branches of government or state government. William Howard Taft served as the President of the United States. John Rutledge, Salmon P. Chase, Charles Evans Hughes, and Earl Warren were state governors. Numerous Chief Justices served as state and federal judges, but only five served as Associate Justices before becoming Chief Justice, the most recent being William Rehnquist. Melville Fuller became the first Chief Justice with any formal law school training, having attended lectures at Harvard Law School for six months. Previous Chief Justices received their law training from **apprenticeships** with local attorneys.

Originally titled “Chief Justice of the Supreme Court,” the title was changed to “Chief Justice of the United States” in 1866. The Chief Justice’s job is challenging and demanding. Chief Justice Burger estimated that one-third of his time at the Court was consumed by his “chiefly” duties.

Interestingly, the position of Chief Justice is only mentioned once in the United States Constitution, as the presiding authority over presidential **impeachment** trials. Three Chief Justices have served in that capacity. Responsibilities and duties of the judicial branch’s highest office were not initially clearly defined, but some are now detailed in the **U.S. Code**. By tradition, the Chief Justice of the United States administers the Oath of Office to the President. As described below, the Chief Justice is the leader among the nine, otherwise co-equal, members of the Supreme Court.

## **Appointment and Confirmation**

In keeping with the principles of separation of powers and checks and balances, the President nominates the Chief Justice, who must then be confirmed by the Senate. Nomination by the President does not guarantee confirmation. The **Senate Judiciary Committee** has been involved in the process since the end of the Civil War, and since the 1960s has used a three-stage process: a pre-hearing investigation, then public hearings, and finally a committee decision. If the majority of the Senate Judiciary Committee does not approve of a candidate, he or she may not be voted on by the full Senate and cannot be confirmed. If the majority views the candidate favorably, the committee will report the nomination to the Senate for a vote. Then-Governor Earl Warren’s nomination was the first to have a hearing in consideration of his appointment to Chief Justice, but Mr. Warren himself was not invited to testify. John Rutledge was the first Associate Justice to be nominated to

serve as Chief Justice but, due to some poor political maneuvering, was not confirmed by the Senate.

### **Roles and Responsibilities**

*“He presides over a conference not of 8 subordinates, whom he may direct or instruct, but of eight associates who, like him, have tenure during good behavior, and who are as independent as hogs on ice.”*

-Chief Justice Rehnquist (as an Associate Justice), 1976

The Chief Justice is the presiding officer of the Court, supervising the process of selecting the cases the Court will hear, the public sessions or hearings, the discussions of the cases at private **conference**, and the subsequent votes of the nine Justices (including the Chief Justice). When the Chief Justice is in the majority on a Court decision, they will either author the opinion for the Court, or assign the opinion to another Justice. Each Chief Justice can adjust and change the procedures within these responsibilities to suit their own management style. Chief Justices have modified the Court calendar, times for oral arguments, rules of order during private conferences, and other aspects in an effort to improve the efficiency of the Court. They also supervise the approximately 500 staff members who work in and around the Court each day. This includes the **Clerk of the Court**, the **Marshal**, the **Reporter of Decisions**, the Supreme Court Librarian, the Supreme Court Police, and their staff.

Outside the daily management of the Supreme Court, the Chief Justice is the head of the federal judicial branch and its 30,000 employees. (*For comparison, the Executive Branch employs 4 million people including members of the armed forces.*) This role brings many additional responsibilities, including addressing budgeting and building needs for the federal courts. For example, Chief Justice Taft worked with Congress to obtain funding for a separate building for the Supreme Court, which was completed in 1935. From time to time, Chief Justices have also written to Congress seeking increases in pay for the Justices and other federal judges, who, compared to attorneys in private practice, have been modestly compensated. Starting with Chief Justice Taft, the Chief Justice serves as the head of the **Judicial Conference of the United States** and appoints federal judges to specialized courts such as the U.S. Foreign Intelligence Surveillance Court. In 1970, Chief Justice Burger added writing the annual report of the federal judiciary to the Chief Justice’s responsibilities.

Outside of the judicial branch, the Chief Justice has numerous responsibilities and ceremonial duties. The Chief Justice is the Honorary Chairman of the Board of Trustees for the Supreme Court Historical Society, Chancellor of the Board of Regents of the Smithsonian Institution, a member of the Board of Trustees of the National Gallery of Art, and the Joseph H. Hirshhorn Museum and Sculpture Garden, and the National Red Cross. The Chief Justice represents the United States in judicial exchanges with other countries. They also make hundreds of appointments to 25 committees of the Judicial Conference of the United States, as well to various commissions created by law. The Chief Justice receives assistance at the Court from the Counselor to the Chief Justice and

an additional law clerk. The Chief Justice is assisted with the administration of the entire judicial branch by the Director of the **Administrative Office of the Courts** and the Director of the **Federal Judicial Center**. For all of this work, the Chief Justice currently receives \$13,000 more than the Associate Justices annually.

### Vocabulary

- **Apprenticeship:** a paid job where the employee gains valuable experiences through on the job training and mentoring from an experienced professional.
- **Impeachment:** process by which a legislative body (Congress) initiates charges against a public official such as a President, Member of Congress, or Federal Judge for misconduct.
- **U.S. Code:** the official compilation of federal statutes and laws in the United States.
- **Senate Judiciary Committee:** a standing committee of 21 U.S. senators whose role is to oversee the Department of Justice, consider executive and judicial nominations, and review pending legislation.
- **Conference:** private meetings and discussions between the Supreme Court Justices about pending cases.
- **Clerk of Court:** an officer of the Court whose responsibilities include maintaining records of a court.
- **Marshal:** an officer of the Court whose responsibilities include overseeing the operations of the Supreme Court building, coordinating ceremonies, directing the Supreme Court Police, financial matters, attending all sessions of the Court, gaveling the Court to order and “crying” the Court (announcing its arrival), and managing the Courtroom.
- **Reporter of Decisions:** the officer of the Court responsible for publishing the decisions of the Court.
- **Judicial Conference of the United States:** the national policymaking body for the federal courts. It includes numerous committees composed of federal judges and staff who advise the Administrative Office as it develops policy and the annual judicial budget.
- **Administrative Office of the Courts:** the agency within the judicial branch that provides a broad range of legislative, legal, financial, technology, management, administrative, and program support services to federal courts.
- **Federal Judicial Center:** provides training and research for the federal judiciary including develops orientation and continuing education programs for judges and other court personnel.

### Discussion Questions

1. Which of the Chief Justice’s many responsibilities do you think is the most challenging?
2. Why do you think the role of Chief Justice was only mentioned once in the Constitution?
3. How does the appointment of the Chief Justices (and all federal judges) illustrate the principle of checks and balances?
4. How have various Chief Justices modified Court procedures? Why might adjustments be necessary?
5. Would you want to be Chief Justice of the United States? Explain.

**Extension**

If time allows, students should work individually, or in partners, to research one of the 17 Chief Justices. Students could use their research to compose mini-biographies or organize key information in a trading card. During their research, students should take note of how the role and responsibilities of the Chief Justice have changed over time.

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