



Judge Ketanji Brown Jackson who was nominated by President Joe Biden to become the first Black woman to serve on the U.S. Supreme Court. Source: Tom Williams/Pool via REUTERS/File Photo

Women’s Path to the Supreme Court

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Reading: Grades 3-5

If given Senate approval, Judge Ketanji Brown Jackson will become the first Black woman to serve on the U.S. Supreme Court, after President Joe Biden nominated her. Jackson will become the sixth woman to be nominated since the Supreme Court was started in 1789.

What is the Supreme Court?

The United States Supreme Court is the highest court in the Judiciary Branch of the U.S. Government. This branch of government is in charge of making sure the laws follow the U.S. Constitution. It was established in 1789 after The Judiciary Act was passed by Congress and signed by President George Washington. The Supreme Court initially began with six justices, however now it consists of nine justices who are nominated by the president and then confirmed by the Senate for a lifelong appointment. This means they are on the court until they retire, or die, unlike legislative and executive branch officials who need to be re-elected every few years. The Supreme Court reviews decisions that have been appealed in lower courts, such as regional, state, or local courts. For example, if a case comes to a decision in a local court, the losing party can ask a higher court, like the state court, to review the decision, which is called an appeal. Sometimes these appeals make it all the way through many courts over a long period of time all the way up to the Supreme Court. These decisions are related to the laws and articles of the constitution that have had different outcomes in the courts below. The justices ruling for these appeals stand as the final decision.

The Supreme Court has the power to change the laws for the entire country. Here are a few landmark, or important, Supreme Court cases that have changed the world in different ways. In 1803, the Marbury vs. Madison case discussed the issue of who can decide what the law is. This decision gave the Court a power called judicial review, or the ability to turn down laws that go against the constitution, also known as unconstitutional laws. Brown vs. Board of Education discussed whether racially segregated public schools violated the Equal Protection Clause. In 1954, the Brown decision ruled that separate schools were unequal and should no longer be segregated due to race. After this case, schools were integrated, and students of different races were able to go to the same school.

Five Female Supreme Court Justices

Since the Supreme Court was officially established in 1789, there have been 115 Supreme Court Justices. 110 of those justices have been men, leaving only 5 being women. The first woman wasn’t even nominated until 1981, almost 200 years after the Supreme Court started in 1789!

The five women who serve or have served on the Supreme Court are:

1. Sandra Day O’Connor: The first female Justice was nominated by President Ronald Reagan in 1981 after he made a promise to nominate a woman for the next available seat. Sandra Day O’Connor was a judge and an elected official in Arizona, serving as the first female majority leader of a state senate as the Republican leader in Arizona. She was confirmed to the seat by a unanimous decision, meaning every senate member voted yes. She retired in 2006.
1. Ruth Bader Ginsburg: The second female justice, who was also known as R.B.G.. Known prior to her appointment for fighting for women’s equality, she was appointed by President Jimmy Carter to the U.S. Court of Appeals for the District of Columbia Circuit. Then, in 1993, President Bill Clinton nominated Justice Ginsburg to the court where she served until her passing in 2020.
1. Sonia Sotomayor: In 2009, President Barack Obama nominated the third female Justice, Justice Sonia Sotomayor. Prior to her nomination she heard over 3,000 cases on the U.S. Court of Appeals for the Second Circuit. She was the first woman of color and first person of Latin descent to be nominated to the court. During her time on the Supreme Court, Justice Sotomayor has stood up for reform of the criminal justice and prison system, and on issues of race, gender, and ethnicity.
1. Elena Kagan: In 2010, President Obama nominated another female Justice Elena Kagan. Prior to her nomination, she was appointed by then Senator Joe Biden as a special counsel for the Senate Judiciary Committee. During this time, she worked on Justice Ginsburg’s Supreme Court confirmation hearings and later became the first female solicitor general of the United States.
1. Amy Coney Barrett: In September of 2020, leading up to the November presidential election, President Donald Trump made a decision that not everyone agreed with. He nominated Amy Coney Barrett, a United States circuit judge, after the passing of Justice Ginsburg. Ginsburg’s own wish was that a new justice not to be chosen “until a new president is installed.” However, the Senate voted 52 republicans to confirm Justice Barrett and 48 democrats opposed, making Barrett the 5th woman justice to serve on the court.

Sonia Sotomayor is the only female justice of color to serve on the Supreme Court, but a newly nominated judge may change that.

Making History: Judge Ketanji Brown Jackson

When Justice Stephen Breyer announced his retirement which opened up a seat on the Supreme Court, President Biden nominated the first ever Black woman, Judge Ketanji Brown Jackson. President Biden had made a campaign promise to nominate a Black woman to the Supreme court if one seat should become available, so he did. Biden stated, “For too long, our government, our courts haven’t looked like America. I believe it’s time that we have a court that reflects the full talents and greatness of our nation with a nominee of extraordinary qualifications.” Now that Judge Ketanji Brown Jackson has been nominated, she is awaiting approval by the senate. Jackson responded to her nomination by stating, “And if I am fortunate enough to be confirmed as the next associate justice of the Supreme Court of the United States, I can only hope that my life and career, my love of this country and the constitution and my commitment to upholding the rule of law and the sacred principles upon which this great nation was founded will inspire future generations of Americans.” Jackson hopes that this historic moment will inspire the next generation.

Jackson is from Miami and attended Harvard Law School. Then, she spent time working in a private law practice and clerking for Justice Breyer. Later, she was confirmed to the United States Sentencing Commission, and in 2021, she was appointed to the United States Court of Appeals for the District of Columbia Circuit.

Clearly, the path to the Supreme Court has been much different for women than for men. The appointment of Judge Ketanji Brown Jackson marks a significant moment in United States Supreme Court history, however more work needs to be done to continue to fight for equality for men and women.

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