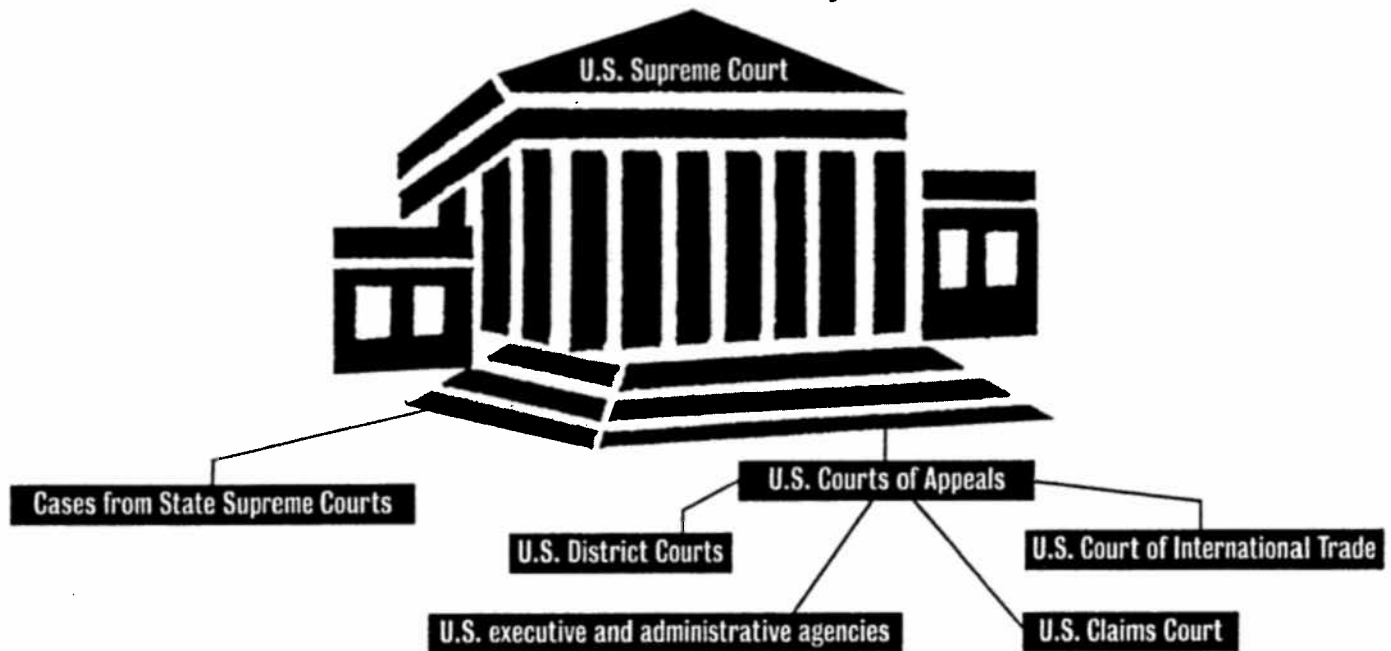


Judicial Branch

The U.S. Court System



ARTICLE III of the Constitution states: "The judicial power of the United States shall be vested [placed] in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish."

The Constitution created the Supreme Court to be like a watchdog to protect people's rights and to prevent the Congress, the President, or the states from taking too much power. The Court tries some cases, such as when one state sues another, but that rarely happens. Mostly, the Supreme Court reviews cases appealed to it from state courts or lower federal courts. The diagram shows how cases reach the Supreme Court.

The Supreme Court justices choose the cases that they want to hear. They usually select cases of constitutional importance. When the justices decide a case, they often write an opinion explaining what is allowed or not allowed by the Constitution. They may even decide that Congress or a state passed a unconstitutional law that must be changed.

QUESTIONS

Write the letter of the correct answer on the line before each sentence.

- ___ 1. According to the diagram, which court has the final word in federal cases? (a) U.S. Supreme Court; (b) a Court of Appeals; (c) a state court.
- ___ 2. Other than a Court of Appeals, which court can send cases directly to the U.S. Supreme Court? (a) U.S. Claims Court; (b) U.S. Court of International Trade; (c) state courts.
- ___ 3. If you were not satisfied with the decision of a U.S. District Court, your next step would be to appeal to (a) the U.S. Supreme Court; (b) a U.S. Court of Appeals; (c) a state court.
- ___ 4. The U.S. Supreme Court usually reviews (a) all cases appealed from lower courts; (b) cases involving residents of different states; (c) cases of constitutional importance.
- ___ 5. Cases from the U.S. executive and administrative agencies go directly to: (a) a U.S. Court of Appeals; (b) the U.S. Supreme Court; (c) a U.S. District Court.



Name _____

ORIGINAL VS. APPELLATE JURISDICTION

There are two kinds of jurisdiction which a court may have. They are *original* and *appellate*. Original jurisdiction is the power of a court to hear a case for the first time and pass judgment on that case. Decisions reached in courts with original jurisdiction are based on the judgment of twelve unbiased persons called a jury. A judge presides over the trial. After they have heard all the evidence, these twelve jurors leave the courtroom and go into deliberation, discussing all the evidence that has been presented by both sides. Then they vote. The voting must be unanimous for them to reach a decision. If all twelve are not in agreement, they must discuss the evidence again and vote until they do reach a unanimous decision. If they vote many times and spend many hours in deliberation without reaching a decision, they return to court and report that they are hopelessly deadlocked. This is called a *hung jury*, and it has the same effect as if no trial had even taken place. Judges and the court system dislike it very much when juries cannot reach a decision because of the time wasted. But there are situations when a jury simply cannot reach a unanimous decision.

Appellate jurisdiction is the power to review a case that has already been heard in a lower court. The decision of the Appellate Court may either uphold the lower court or it may reverse the lower court's decision. In the Appellate Court there is no jury. No new evidence is heard in the Appellate Court. The judge reviews the testimony and all other matters related to the case as it was heard in the District Court. On the basis of his findings, he can either uphold the ruling of the lower court or he can reverse the District Court's decision.

Using the information you were provided in Article 3 and the above, create a simple diagram showing the structure of our federal court system. Your drawing should portray the ranking and type of jurisdiction at each level.

Procedures of the Supreme Court

DAILY ACTIVITY

Chapter 7, Section 4

Directions: Read the following information and then answer the questions.

Not every defendant can appear before the clerk of the Supreme Court and ask for a hearing. To be heard, a case must have gone through the usual trials and appeals of the regular judiciary.

Even when a case is presented to the high court, it is first reviewed by the justices. They decide whether the case deserves arguing. Many cases brought to the Court are returned with no comment; the justices let stand the lower courts' decisions.

Most of the cases the Supreme Court hears deal with constitutional questions such as civil rights, freedom of speech, and legislation. The justices are careful in choosing the cases they hear, for they do not readily overturn the decisions of lower courts. The Supreme Court's intention is to see that constitutional guarantees are upheld.

When a case is accepted, it is heard before the full court of nine justices. No testimony is offered; no witnesses appear. Usually, lawyers argue the virtues of their sides. Now and then the justices permit individuals to argue their own cases—but these persons must first prove their competency.

Lawyers can present both written and oral arguments. The justices will consider both. Then the justices, headed by the Chief Justice, discuss the case in conference. After a full expression of opinions (which may take a week or more), a vote is taken. The justices vote in order of seniority.

The highest vote is called the majority. The losing justices are called the minority. Each side writes an opinion—facts that support their view. One justice is selected to write the winning, or majority, opinion. That opinion is carefully reviewed by the Court's legal staff. Any justice who strongly disagrees with the majority may write an individual dissenting opinion.

The Court's opinions are printed in *United States Reports*, where the public can study them. In most cases, these opinions become guidelines for the lower courts to follow, so that future rulings by lower courts are consistent with the decisions of the Supreme Court.

Mastering Facts

1. What steps must a litigant (person pursuing a case) have been through before presenting a case before the Supreme Court?

2. What does the Court's return of an appeal without comment mean about the lower court's ruling?

3. How many witnesses is a lawyer allowed to present before the Supreme Court justices?

Analyzing Consequences

4. Why is it wise that the Supreme Court does not readily overturn the decisions of the lower courts?

5. The function of the Supreme Court is judicial review—to reconsider previous decisions. Explain what might happen without this option in criminal cases.

6. What dangers might arise if no high court existed to review legislation of the states or federal government?

7. Why is it important to have both a majority and a minority opinion written for a case?

The Judicial Branch Interprets Laws

RETEACHING ACTIVITY

Chapter 7, Section 4

Directions: Read the summary carefully and answer the questions that follow. You will then better understand the United States judicial system.

The Constitution established only one court—the United States Supreme Court. However, Article III of the Constitution gave Congress the power to establish lower federal courts.

Under Article III Congress has set up three levels of federal courts. Trial courts, or district courts—where most cases begin—make up the bottom level. The second, or middle, level consists of thirteen courts of appeal. The Supreme Court makes up the third, or highest, level. The Supreme Court hears appeals from the appellate courts and from state supreme courts.

Almost all federal judges, including Supreme Court justices, are appointed for life by the President, with confirmation by the Senate. Most are lawyers.

Only about 150 court cases reach the Supreme Court each year. A few cases (for example, those in which one state sues another) get to the Court through its original jurisdiction, or legal authority to be the first to hear a case. Most cases reach the Supreme Court through its appellate jurisdiction, or power to review cases after other courts have heard them.

The justices on the Supreme Court decide which cases they will hear. If a case is not accepted, the decision of the lower court stands. As soon as the Court accepts a case, the opposing lawyers each prepare written arguments called briefs. People who are not parties to the case can make their opinions known by submitting *amicus curiae* (friend of the court) briefs. Five factors influence the decisions of the Supreme Court:

- Laws and legal precedents, prior court decisions.
- Personal legal views of the justices. Some justices favor a strict interpretation of the Constitution, while others favor a broad interpretation.
- Justices' interactions with one another. Justices frequently exchange views while writing their opinions.
- Public opinion, the views of the people.
- Congress and the President, who often make their views known to the Supreme Court justices.

The Supreme Court is the final authority on law in the United States. As a result, decisions of the Supreme Court have had a great impact on public policy. The following cases are some of the most famous.

- *Marbury v. Madison* (1803). Under Chief Justice John Marshall, this decision gave the Supreme Court power to declare a law of Congress unconstitutional.
- *Gibbons v. Ogden* (1824). This decision gave the federal government authority to regulate almost everything that crosses state boundaries.

- *Dred Scott v. Sanford* (1857). This case marked the Court's attempt to resolve the issue of slavery in favor of slaveholders. Eventually this decision was reversed.
- *Schenck v. United States* (1919). Under Chief Justice Oliver Wendell Holmes, Jr., the Court clarified what freedoms of speech were and were not protected by the First Amendment.
- *Brown v. Board of Education* (1954, 1955). Under Chief Justice Earl Warren, the Court declared segregation of schools unconstitutional.
- *Miranda v. Arizona* (1966). This decision expanded the rights of a person accused of a crime.

Who

1. appoints Supreme Court justices?

2. was the Chief Justice during *Marbury v. Madison*?

3. was the Chief Justice during *Brown v. Board of Education*?

What

4. are the three types of courts?

and _____

5. is an *amicus curiae*?

6. are three factors that can influence Supreme Court decisions?

and _____

When

7. was *Miranda v. Arizona* heard?
