

THE JUDICIAL BRANCH

Organization of the Judicial Branch

(See Article III, Section 1)

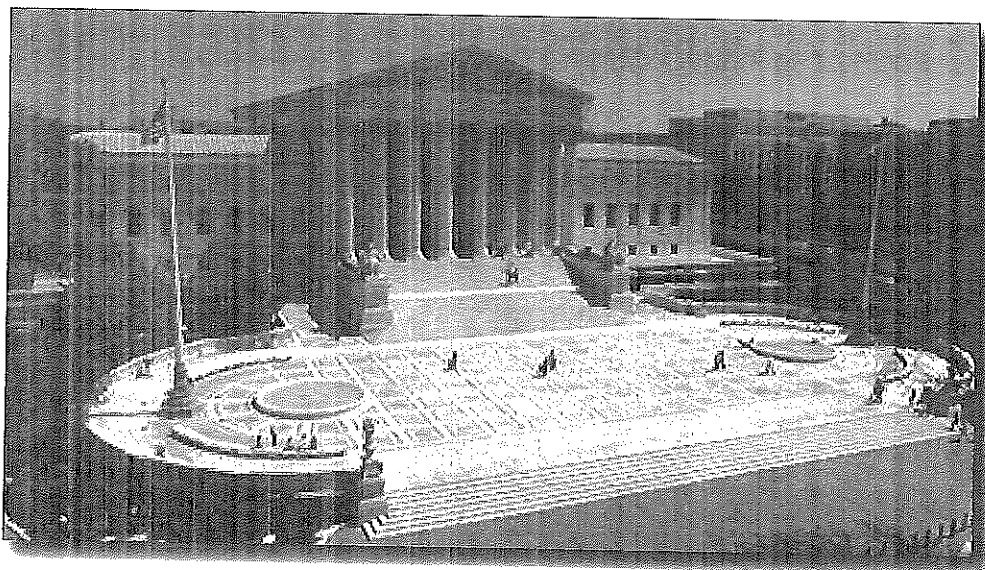
The third branch of the United States government is the judicial branch. We learned that the legislative branch makes the laws and that the executive branch carries out and enforces the laws. It is the job of the judicial branch to interpret, or explain, the laws.

When Congress passes a law and the president enforces it, it is then the job of the Supreme Court to decide what that law really means. The Supreme Court is the major body of the judicial branch. The Supreme Court Building is located in Washington, D.C. The Supreme Court is the highest, and most important, court in the United States. The Constitution spells out what kinds of cases it can hear and what the powers of the Court are. The Constitution also provides for lower courts as well.

The Supreme Court is made up of nine justices, or judges. There are eight associate justices and one chief justice. The justices are appointed by the president and are approved by the Senate. Once approved, they serve for life. They cannot be removed except by impeachment. When deciding a case, only five of the nine must agree to reach a decision. The salaries of the justices cannot be lowered during their time in office. With these checks and balances, the judicial branch is free from interference by the other branches.

There are several other court systems under the Supreme Court. The lowest federal courts under the judicial system are the district courts. There are 91 district courts in the United States. After a case has been heard in the district court, it moves to the United States Court of Appeals. It is here where a case can be appealed, or heard for a second time, to reverse the original judgment. There are 12 appeals courts.

There are also several other courts that feed into the Supreme Court. The highest court in any state is usually the state supreme court. A case can be appealed from a state supreme court to the United States Supreme Court. The Court of Military Appeals, the United States Tax Court, and the United States Claims Court also feed cases to the Supreme Court. These courts hear specialized cases.



The Supreme Court Building

Name: _____ Date: _____

THE JUDICIAL BRANCH***Organization of the Judicial Branch***
Challenges

1. Define:

Judicial: _____
_____Appeal: _____
_____2. What is the job of the judicial branch? _____
_____... legislative branch? _____
_____... executive branch? _____
_____3. What is the name of the highest, most important court in the United States? _____
_____4. What are the titles of the men and women who serve on the high court? _____
_____5. How many serve on the high court? _____ How long do they serve?
_____6. Who appoints the justices, and who must approve them? _____
_____7. There are 91 _____ courts and 12 _____ courts that report
to the Supreme Court.8. Name two other courts that are part of the federal judicial system. _____

THE JUDICIAL BRANCH

Duties and Powers of the Supreme Court

(See Article III, Section 2 and Section 3)

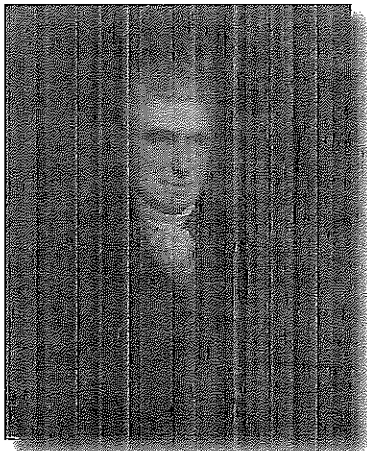
Cases for the Supreme Court

The Constitution tells the federal courts exactly what types of cases they can hear. The Supreme Court only has the jurisdiction, or power to hear cases, that the Constitution gives it. For example, the Supreme Court does not handle divorce cases, but the Constitution says the Court may hear cases involving two or more individual state governments.

The kinds of cases the federal and Supreme Courts may hear are cases coming from any question involving: 1) the Constitution, 2) federal laws, 3) treaties, and 4) laws governing ships. The courts may also hear cases coming from people concerning: 1) ambassadors or public ministers, 2) the United States government itself, 3) two or more state governments, 4) citizens of different states, and 5) a state or its citizens versus a foreign country or foreign citizen.

These cases are what are known as *original jurisdiction*. Under *appellate jurisdiction*, the Supreme Court can only hear a case after it has gone through the court system first (the district courts and the appeals courts, or the state supreme court). Only after these lower courts have heard the case can the Supreme Court respond.

If a case has made it through the court system and wishes to be heard by the Supreme Court, the lawyers must submit to the nine justices what is called a *writ of certiorari* (cert). A writ of cert is a formal request to the Supreme Court to hear a case. The justices vote and either accept or reject that request based upon the possible impact of the case on society, or simply because of the large number of cases they have to hear. If a case is decided by the Supreme Court, it has traveled a long way to get there!



Chief Justice John Marshall helped broaden the power of the Supreme Court to include judicial review.

Judicial Review and Treason

There are two important legal concepts that need to be discussed at this point, the first of which is called *judicial review*. We saw in the text above what types of powers the Supreme Court has. In 1803, in a case before the Supreme Court, another important power of the Supreme Court was established. That was the power to declare a law *unconstitutional*, meaning the law goes against the Constitution of the United States.

For example, we know the Constitution states that there should be two senators from each state. If Congress passed a law saying there should only be one senator from a state, the Supreme Court could look at that law and declare it unconstitutional. That means Congress's law is void because the Constitution is more important and is the supreme law of the land. This process of checking the laws is known as *judicial review*. The job of the Supreme Court is to review the laws of our country.

Another concept mentioned by the Constitution is that of *treason*. Treason is defined as carrying on war against the United States and/or giving help to the nation's enemies. Treason is a very serious crime, and it is one of the charges that may be involved in the impeachment process. In order to be convicted of treason, two witnesses must testify to the same story, and/or the accused must make a confession in a courtroom.

Name: _____ Date: _____

THE JUDICIAL BRANCH

Duties and Powers of the Supreme Court
Challenges

1. Define:

Jurisdiction: _____

Unconstitutional: _____

Treason: _____

2. List nine types of cases the Supreme Court and federal courts have jurisdiction over:

a) _____

b) _____

c) _____

d) _____

e) _____

f) _____

g) _____

h) _____

i) _____

3. What is original jurisdiction? _____

4. What is appellate jurisdiction? _____

5. What is a writ of *certiorari*? _____

6. The process of checking the laws of our land is called: _____

7. What must happen in court for a person to be convicted of treason? _____
