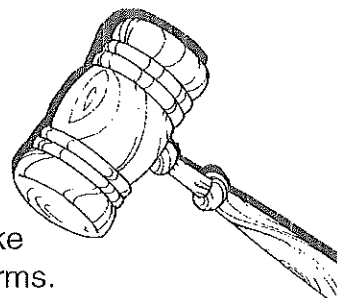


The Federal Judicial System

Many courts make up the judicial branch of the federal government. They range from the U.S. Supreme Court to courts such as the U.S. Claims Court and the Tax Court.

The Supreme Court is the only federal court established by the Constitution. It consists of nine judges who are called justices. The head of the Supreme Court is the Chief Justice. Like all federal judges, Supreme Court justices are appointed to life terms.



All federal courts below the Supreme Court are set up by Congress. Chief among these are the U.S. district courts and the U.S. courts of appeals. There are 94 district courts. Each state has at least one. Very large states, such as California, have as many as four. The courts of appeals are distributed over 12 areas called circuits.

All cases involving the violation of federal laws are tried in U.S. district courts. A person who is accused of committing a federal crime such as kidnapping would be tried in a district court. These courts also hear cases involving U.S. states or foreign nations.

Any party that is not satisfied with the decision of a district court can appeal to a court of appeals. U.S. courts of appeals have only appellate jurisdiction. This means they do not try cases. Instead, they rule on cases that come to them from the district courts by supporting the lower court's decision or by ruling against it.

Other federal courts include the Customs Court and the Court of Military Appeals.

Circle the letter of the correct ending for each statement below.

1. The Constitution established only the
 - a. district courts
 - b. Supreme Court
 - c. courts of appeals
2. There are 94
 - a. courts of appeals
 - b. customs courts
 - c. district courts
3. Each state and territory has at least one
 - a. district court
 - b. court of appeals
 - c. court of claims
4. U.S. courts of appeals
 - a. hear and try cases
 - b. rule on cases from district courts
 - c. try cases and review cases from lower courts
5. The only judges known as justices are those who sit on the
 - a. district courts
 - b. courts of appeals
 - c. Supreme Court
6. What is a court that has only appellate jurisdiction able to do? What can't it do?

The Role of the Supreme Court

The Supreme Court of the United States has two important functions. First, it reviews laws passed by both the federal and the state governments. Any law found to violate the Constitution is struck down. The other important job of the Supreme Court is to serve as the final court of appeals in the United States. Once a case is handled by the Supreme Court, it can go no further.

When the Supreme Court hears cases that have come to it from the lower courts, it is exercising its appellate jurisdiction. However, the Supreme Court has original (first) jurisdiction in two kinds of cases: cases involving either state governments or foreign diplomats. All other matters come to the Supreme Court only on appeal.

The Supreme Court is in session each year from October to June. For part of this time it hears cases that originated in the lower courts. Lawyers present their arguments, and justices later reach a decision behind closed doors. The justices may hear a number of cases for several weeks before handing down decisions on any of them. These decisions are determined by majority vote.

The Supreme Court cannot make laws, but its decisions often have far-reaching effects on American life. Its 1954 school desegregation ruling, for example, overturned state laws that had been in existence for many years.

Supreme Court justices are appointed to life terms and can only be removed through the process of impeachment. In our nation's history, no Supreme Court justices have ever been forced to step down. Although one justice in the past was impeached (charged), not enough votes were gathered in the Senate to remove him from office.

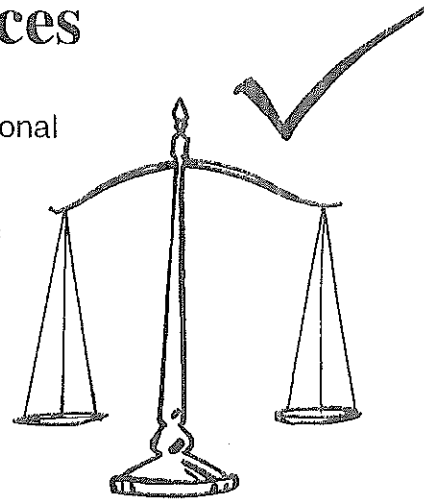
Decide whether the statements below are true or false. Write T or F in each blank.

1. ____ The Supreme Court can reverse or confirm decisions made by lower courts.
2. ____ The President has the power to remove a Supreme Court justice from office.
3. ____ The Supreme Court remains in session throughout the entire year.
4. ____ Only a majority vote is needed for the Supreme Court to render a decision.
5. ____ The Supreme Court makes all decisions behind closed doors.
6. ____ The Supreme Court has the power to make new laws.
7. ____ Cases involving state governments and foreign diplomats are tried before the Supreme Court.
8. ____ The Supreme Court has only appellate jurisdiction.
9. ____ The Supreme Court can declare an existing law unconstitutional.
10. Why do you think Supreme Court justices and other federal judges are appointed by the President (with the Senate's approval) rather than elected by the people?

Checks and Balances

When the writers of the Constitution established the national government, they divided power among a legislative, an executive, and a judicial branch. This separation of powers guaranteed the American people protection from the kind of absolute control they had endured under British rule.

The idea of separating the powers of government and providing for a system of checks and balances was suggested by the French philosopher Montesquieu in the years before the French Revolution. Montesquieu believed that democracy and freedom would be safeguarded if each branch of government had the power to check on the others.



Many of Montesquieu's ideas were incorporated into the Constitution.

Here is an example of how our system of checks and balances works. Imagine that Congress has just approved a bill, but the President doesn't think it should become a law. The President can veto the bill to stop it from passing. However, if Congress is still committed to making that bill a law, it can bypass the President's veto by passing the bill again with a two-thirds vote. If the bill passes, the Supreme Court can examine the law and strike it down if it is found to be unconstitutional. At that point, Congress can amend the Constitution if three-fourths of the states agree. Congress can then pass the law within the framework of the new amendment.

Another important check in our system of government involves the need for Senate approval of presidential appointments to top government positions and of treaties with foreign countries. This safeguard, along with many others, keeps our democracy running as the writers of the Constitution hoped it would.

1. How can a President show disagreement with a bill passed by Congress?

2. When Congress strongly disagrees with a President's veto, what can they do?

3. How can the Supreme Court affect a law passed by Congress?

4. Do you agree that our system of checks and balances keeps any one branch of government from having too much power? Why or why not?
