# Chapter 7 Planning Guide

## The Judicial Branch

### Chapter Overview

**CHAPTER 7**  
pp. 176–196  
**Overview:** Students will learn about the role, functions, and components of the judicial branch of the U.S. government.

### Instructional Resources

- **Students Take Action Activities**  
- **Civic Participation Activities Guide**  
- **Community Service and Participation Handbook:** Chapter 7  
- **Law 101:** Chapter 7  
- **Holt Online Researcher**  
- **Teaching Transparencies:** Chapter 7  
- **Creative Teaching Strategies:** Chapter 7  
- **Constitution Study Guide**  
- **Media Investigations:** Chapter 7  
- **Active Citizenship Video Program**  

### Review, Assessment, Intervention

- **Alternative Assessment Handbook**  
- **Chapter and Unit Tests:** Chapter 7: Tests A and B  
- **Chapter and Unit Tests for Differentiated Instruction:** Chapter 7: Test C  
- **Student Edition on Audio CD Program**  
- **Interactive Skills Tutor**  
- **Quiz Game**  
- **OSP Teacher's One-Stop Planner**  
- **Spanish Audio Summaries**  
- **Standardized Test Practice Handbook:** Activity 7  
- **Vocabulary Activities:** Chapter 7  
- **Online Chapter Summaries in Spanish**

### Section 1  
**Equal Justice Under the Law**  
**The Big Idea:** The rights of all U.S. citizens are protected by laws and the courts.

**From the Source:** Readings in Economics and Government: Reading 70: A Theory of Justice  
**Community Service and Participation Handbook:** Chapter 7  

### Section 2  
**The Federal Court System**  
**The Big Idea:** The federal court system consists of three levels of courts, each of which has specific duties.

**From the Source:** Readings in Economics and Government: Reading 37: Judiciary Act of 1789  
**Interactive Art:** Road to the Supreme Court

### Section 3  
**The Supreme Court**  
**The Big Idea:** The Supreme Court hears appeals, reviews laws, and strongly influences American society.

**Simulations and Case Studies:** Lesson 6: Bethel School District v. Matthew Fraser  
**Simulations and Case Studies:** Lesson 7: Moot Court: Jones v. Clear Creek ISD  
**Graphic Organizer Activities:** Chapter 7  
**Challenge and Enrichment Activities:** Chapter 7  
**U.S. Supreme Court Case Studies:** Case 1: Marbury v. Madison  
**U.S. Supreme Court Case Studies:** Case 8: Plessy v. Ferguson and Brown v. Board of Education  
**Internet Activity:** Supreme Court Procedures  
**Internet Activity:** Landmark Supreme Court Cases
Differentiated Instruction

- Chapter and Unit Tests for Differentiated Instruction: Chapter 7: Test C*
- Differentiated Instruction: Teaching ESOL Students
- Student Edition on Audio CD Program
- Spanish Audio Summaries
- Differentiated Instruction Modified Worksheets and Tests CD-ROM

Guided Reading Strategies: Section 1*

Main Idea Activities for Differentiated Instruction: Section 1*

Guided Reading Strategies: Section 2*

Main Idea Activities for Differentiated Instruction: Section 2*

Guided Reading Strategies: Section 3*

Main Idea Activities for Differentiated Instruction: Section 3*

Challenge and Enrichment Activities: Chapter 7*

Graphic Organizer Activities: Chapter 7*

Quiz Game CD-ROM

Quiz Game CD-ROM is an interactive multimedia game that assesses student understanding, makes learning fun, and tracks student performance.

Holt Interactive Online Student Edition

Complete online support for interactivity, assessment, and reporting

- Interactive Art and Notebook
- Standardized Test Prep
- Homework Practice and Research Activities Online

HOLT Teacher’s One-Stop Planner

With the Teacher’s One-Stop Planner, you can easily organize and print lesson plans, planning guides, and instructional materials for all learners.

Holt Online Learning

- Document-Based Questions
- Interactive Multimedia Activities
- Current Events
- Chapter-based Internet Activities
- and more!

THE JUDICIAL BRANCH
Why It Matters

The third branch of the national government, the judicial branch, is charged with applying and interpreting federal law in cases that come before it. The framers realized the importance of delegating this role to an independent, co-equal branch of government, well aware of the possibilities for abuse when those with the power to make or enforce laws also have the sole power to dispense justice. Accordingly, the Constitution vests the judicial power in the Supreme Court and in the “inferior courts” created by Congress.

What the Courts Do

Section 1 describes the basic work that the judicial system performs—determining whether to acquit or convict persons charged with crimes, and settling disputes among private parties, businesses, and government. To decide these cases, the courts look to four main sources of law: statutes, the common law, administrative law, and the Constitution. This section also outlines court procedures for handling legal cases, from trial through appeal.

A Look at the Federal Courts

Every state has its own court system, but the federal government has just one. Again, the Constitution provided for the Supreme Court, but otherwise gave Congress the power to create the federal judicial system. Section 2 describes the organization of this system—the United States district courts and their hundreds of federal district judges at the base, the circuit courts of appeal in the middle, and the Supreme Court at the top—and the types of cases heard at each level.

The Supreme Court Today

At the apex of the federal court structure is the Supreme Court. Section 3 describes for students the operations of the Court and the selection and removal of justices. It also discusses the Supreme Court’s most important function within the federal government: exercising the power of judicial review to determine whether actions of the legislative and executive branches are within their powers under the Constitution.

Perhaps the Supreme Court’s most important role in modern days, however, has been ensuring that state and local governments follow federal law, both as enacted by Congress and as set forth in the Constitution—particularly in the Bill of Rights and the Fourteenth Amendment. The Court’s most noteworthy lines of cases, regarding school desegregation, the rights of criminal defendants, civil rights, and voting rights, all fall within this category.

Recent Scholarship

The Constitution ensures religious freedom and provides separation between religion and government. The U.S. Supreme Court has ruled on many cases to determine whether this doctrine has been violated. Such cases are often brought to the Court when disagreements occur within a state. In “The Supreme Court: The Overview: Justices Allow a Commandments Display, Bar Others” (New York Times, June 28, 2005), Linda Greenhouse writes about how, in 2003, the Court tried to tackle the issue of religious displays in government buildings in two states. The Court ruled 5–4 that a Ten Commandments monument at the Texas State Capitol is constitutional, but copies of the Commandments displayed at two Kentucky courthouses are not. As Greenhouse points out, the decisions indicated that religious symbols that have been displayed for years with little controversy are likely to be upheld, while newer displays meant to advance religious agenda will be closely examined.

Refresh Your Knowledge

The actions of the U.S. government and its citizens are governed by laws. The government relies on officials in the judicial branch to interpret these laws and punish lawbreakers. In interpreting and applying the laws, the judicial branch of the federal government is guided by the ideal of equal justice for all. This ideal, essential to a free society, protects the rights of all Americans.

Have students recall what they know about the three branches of the U.S. government. Briefly review with the class the functions of the executive and legislative branches and the idea of checks and balances. Then ask students what role the judicial branch plays. What government functions do the courts need to carry out? How might the judicial branch check the other two?
Students Take Action: Encouraging Safe Exercise

What They Did
In this chapter, your class will read about a group of students in Missouri who supported plans to encourage safer bicycling in their community. Their plans included supporting a new bike trail at a local park, creating bicycle lanes on city roads between two parks, and publicly displaying rules and regulations for bicyclists. The students conducted surveys and interviews. Their research eventually helped them gain support for their ideas from city officials, the city council, and local residents.

What Your Class Can Do
As interested citizens, students should get exercise in safe places such as local parks and other public spaces and should obey traffic and safety laws. As active citizens, students then follow the democratic process one step further: They find ways to make these parks and areas safer and more usable for all members of the community.

As you discuss this chapter’s Students Take Action project with your class, work with students to brainstorm ways to encourage safe outdoor activities in your community:
• How does your community encourage residents to exercise?
• What public areas are available in your community for people to ride bicycles and take part in other recreational activities?
• What safety measures are in place in these areas, and how could the areas be made even safer?

Students may suggest the following safety measures, among others:
• Posted safety signs and rules about hours of use
• Designated areas for particular activities
• Available first aid and trained medical personnel

Service-Learning Teaching Tip
Developing an Oral Presentation
To help students successfully present a proposed policy, have them use material they have collected to develop a five-minute oral presentation. Because of time constraints, students should present only the most significant material.

Have students practice presenting their material without reading from it word for word. Suggest that students also use graphics such as charts, graphs, and photographs to illustrate their point. Make sure that students actually refer to any visual materials in their presentation as well.

Students Take Action Activities
“Evaluating Information,” page 24 of the Students Take Action Activities booklet, helps students evaluate information they have collected to ensure that it is useful and accurate. The booklet’s rubrics, forms, planning guides, and additional tip sheets can also be used to organize, assist, and evaluate student performance at each phase of the project.
Chapter 7

THE JUDICIAL BRANCH

SECTION 1
Equal Justice under the Law

SECTION 2
The Federal Court System

SECTION 3
The Supreme Court

Introduce the Chapter
The Constitution and the Judicial Branch

1. Review with students Article III, Sections 1 and 2 of the Constitution.
2. Ask students to summarize in their own words the powers the Constitution gives to the Supreme Court and to other federal courts. Help students understand that the Constitution provides for a federal judiciary but does not set up a clear system.
3. Have students work with a partner to write questions about the judicial system based on the section of the Constitution they have read. Possible questions include What “inferior courts” has Congress established? and What does “good behavior” for judges mean?
4. Have students share their questions with the class, and list the questions on the board. Have students revisit the questions as they read and add answers where possible.

Arkansas Curriculum Framework
Civics for Core Curriculum Grades 9-12
C.2.CCC.1; G.3.CCC.3; L.9.CCC.1; L.9.CCC.3; PPE.12.CCC.1; SG.8.CCC.3; USC.5.CCC.1

National Standards
For Civics and Government
III. How does the government established by the Constitution embody the purposes, values, and principles of American democracy?
A. How are power and responsibility distributed, shared, and limited in the government established by the U.S. Constitution?
D. What is the place of law in the American constitutional system?

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Below Level
Basic-level activities designed for all students encountering new material

At Level
Intermediate-level activities designed for average students

Above Level
Challenging activities designed for honors and gifted-and-talented students

Standard English Mastery
Activities designed to improve standard English usage
The actions of the U.S. government and its citizens are governed by laws. The government relies on a special set of officials to interpret these laws and to punish lawbreakers. These functions are the responsibility of the judicial branch of the federal government.

A RADIO NEWS BROADCAST

All of the cases that the Supreme Court hears start in the lower courts. As you read this chapter, take notes on the process a court case takes from the original trial all the way to the Supreme Court. Then you will prepare a radio news story following a case through the judicial system.

ENCOURAGING SAFE EXERCISE

Riding a bike in Mexico, Missouri, has become safer thanks to a group of students who worked with their city to have bike trails and bike lanes built. What can you do in your community to promote safe exercise?

FOCUS ON SPEAKING

A RADIO NEWS BROADCAST

All of the cases that the Supreme Court hears start in the lower courts. As you read this chapter, take notes on the process a court case takes from the original trial all the way to the Supreme Court. Then you will prepare a radio news story following a case through the judicial system.

Chapter Main Ideas

Section 1 The rights of all U.S. citizens are protected by laws and the courts.

Section 2 The federal court system consists of three levels of courts, each of which has specific duties.

Section 3 The Supreme Court hears appeals, reviews laws, and strongly influences American society.

Analyzing Photos

This photo shows the statue Authority of Law on the south side of the Supreme Court building in Washington, D.C.

- How does the Supreme Court guarantee Americans’ rights? It makes sure that laws and policies follow the Constitution and the rights it guarantees.
- Why do you think the designers of the Supreme Court building chose to include this statue? Possible answer: to show people the importance of the Supreme Court in upholding and serving as an authority of the law.

The Media Literacy Civics Skill in this chapter teaches students how to analyze news articles. Review with students the steps they should take when analyzing news articles. Encourage them to follow the steps when analyzing articles involved in special projects or classroom activities.
CHAPTER 7

In this chapter you will read about the judicial branch of the federal government, which is guided by the ideal of equal justice for all. You will learn about the four kinds of law and how the U.S. court system uses them to settle disputes. You will also read about the three main levels of federal courts. Finally, you will learn about the U.S. Supreme Court. You will learn how justices are appointed and how the other branches of government check the powers of the Court.

Distinguishing between Fact and Opinion

**Activity** Find Examples of Facts and Opinions
Bring in copies of the local newspaper or pages from different types of magazines. Organize the class into small groups and give each group different pages. Ask each group to find examples of facts and opinions in the pages it was given. Remind students that even in reputable newspapers or magazines, authors express opinions. Have each group present the facts and the opinions it found. Review these as a class and evaluate them.

Helpful Hints for Distinguishing between Fact and Opinion

1. Phrases such as “I believe,” “I think,” or “I feel” indicate an opinion.
2. Telling readers what should be done is another clue that an opinion is being given.
3. Judgment words such as best, worst, and greatest are often used in opinions.
4. Facts often include numbers, measurements, or other things that can be proved.
The following passage tells about the influence of John Marshall on the Supreme Court. All the statements in this passage are facts. What makes them facts and not opinions?

1. John Marshall expanded the power of the Supreme Court by establishing the power of judicial review.
2. John Marshall served for 34 years as chief justice.
3. Most people believe John Marshall served too long as chief justice.
4. Scholars believe the Marbury v. Madison case changed the Supreme Court for the better.

**You Try It!**

Identify each of the following statements as a fact or an opinion, and then explain your choice.

1. Fact; it can be proved.
2. Fact; it can be proved.
3. Opinion; it cannot be proved or disproved.
4. Opinion; it cannot be proved or disproved.

**The Power of Judicial Review**

The Constitution does not explicitly give the judicial branch the power of judicial review. John Marshall established the power when he served as chief justice of the Supreme Court from 1801 to 1835. Marshall promoted the idea of judicial review for the first time in 1803 in the case of Marbury v. Madison. . . . However, Chief Justice Marshall ruled that the act gave the Supreme Court powers that it had not been granted by the Constitution. Because the Constitution is the supreme law of the land, the Judiciary Act passed by Congress was declared unconstitutional. This was the first time the Supreme Court had declared an act of Congress unconstitutional and thus established the concept of judicial review.

**Identify each of the following statements as a fact or an opinion, and then explain your choice.**

1. John Marshall expanded the power of the Supreme Court by establishing the power of judicial review.
2. John Marshall served for 34 years as chief justice.
3. Most people believe John Marshall served too long as chief justice.
4. Scholars believe the Marbury v. Madison case changed the Supreme Court for the better.

**Using Key Terms**

Have students read the definitions of the key terms for this chapter aloud. Then instruct students to choose ten terms from the list and write them on cards. On ten more cards, have students write the definitions of the words they have chosen. When they are finished, organize students into pairs or small groups. Tell students to spread out one set of 20 cards face down and mix them up. Then have students take turns trying to find and correctly match the terms and their definitions. Recommend that students add terms from other chapters to this activity to help them review for tests.

**Focus on Reading**

See the Reading Skill and Focus on Reading activities, annotations, and questions in this chapter for more practice with this reading skill.

**Answers**

1. Fact; it can be proved.
2. Fact; it can be proved.
3. Opinion; it cannot be proved or disproved.
4. Opinion; it cannot be proved or disproved.
Carved in marble over the entrance of the Supreme Court building in Washington, D.C., is the motto "Equal Justice under Law." What does this motto mean to you? It means that you and all other citizens are considered equal and are protected by the rule of law. Laws define individual rights and freedoms. But where does your freedom end and another person's freedom begin? The judicial branch of the government—the court system—helps find the answer.

**BEFORE YOU READ**

**The Main Idea**

The rights of all U.S. citizens are protected by laws and the courts.

**Reading Focus**

1. In what ways is the United States a nation of laws?
2. What are the four sources of law in the United States?
3. What roles do the courts play in the United States?

**Key Terms**

- crime, p. 181
- criminal law, p. 181
- civil law, p. 181
- common law, p. 182
- precedent, p. 183
- constitutional law, p. 183
- appeal, p. 183

**TAKING NOTES**

As you read, take notes on equal justice under the law. Use a chart like this one to record your notes.

<table>
<thead>
<tr>
<th>Type of Law</th>
<th>Sources</th>
<th>Courts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criminal law</td>
<td>Statutory law</td>
<td>Use laws to settle disputes</td>
</tr>
<tr>
<td>Civil law</td>
<td>Common law</td>
<td>Decisions in lower courts can be appealed in higher courts</td>
</tr>
<tr>
<td>Administrative law</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constitutional law</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**CIVICS IN PRACTICE**

Carved in marble over the entrance of the Supreme Court building in Washington, D.C., is the motto "Equal Justice under Law." What does this motto mean to you? It means that you and all other citizens are considered equal and are protected by the rule of law. Laws define individual rights and freedoms. But where does your freedom end and another person’s freedom begin? The judicial branch of the government—the court system—helps find the answer.

**A Nation of Laws**

Every society needs rules. Without rules, people might feel like they could do anything to anybody anytime they wanted. That is one reason why societies have laws. Laws are society’s rules. Laws promote the common good. Laws protect you. Laws, such as traffic laws and laws against rape and murder, are aimed at protecting your personal and physical safety.

**Teach the Main Idea**

**Equal Justice under the Law**

1. **Teach** Ask students the Reading Focus questions to teach this section.
2. **Apply** As students read the section, have them take notes on how the U.S. government helps guarantee justice.
3. **Review** To review the section’s main ideas, have students recite together the last six words of the Pledge of Allegiance: “with liberty and justice for all.” Explain to the class that the word *liberty* comes from the Latin word for “free.” Then lead a class discussion on how the ways the U.S. government ensures justice is related to Americans’ freedom.
4. **Practice/Homework** Have students write a brief essay on the relationship between justice and freedom in the United States.
Differentiating Instruction

**Learners Having Difficulty**

**Describe Different Kinds of Law**

1. Create a chart on the board with the following four columns: Statutory Law, Common Law, Administrative Law, and Constitutional Law. Have students copy the chart onto a sheet of paper.

2. As a group, complete the chart by describing each type of U.S. law and adding at least one example of each.

3. Remind students that they can refer back to their charts to recall the different kinds of U.S. law.

**Answers**

**Analyzing Primary Sources** Possible answer: so everyone would know the laws and would not be able to dispute them.

**Reading Check** Possible answer: They protect people's ability to express themselves safely through property, speech, and religion.
Sources of Law

There are several sources of criminal and civil law in the United States. The four principal sources include statutory law, common law, administrative law, and constitutional law. All these laws must follow the principles set forth in the Constitution, which is the supreme law of the land.

Statutory Law

Laws that are passed by lawmaking bodies are known as statutes, or statutory laws. Congress and state and local governments pass these laws. Most criminal laws are statutory laws. Many civil laws are also statutes. For example, a state law that requires all public buildings to contain fire exits is a statutory law.

Statutory laws usually represent majority rule, or what the majority of citizens believe to be right or wrong. If citizens later change their position on the issue, the law can adapt to the country’s needs. Every American citizen has the duty to know and obey these laws. One way to practice good citizenship is by obeying laws.

Common Law

No matter how hard the legislature tries, statutes cannot cover every type of wrongdoing. Judges and courts must often make decisions based on customs, traditions, and cases that have been decided before. This type of law is called common law. Common law is a type of law that comes from judges’ decisions that rely on common sense and previous cases.

For example, before automobiles became a major form of transportation, there were no laws about driving them. So if an automobile ran into a horse and wagon, the driver of the automobile might argue that the case should be dismissed. No laws existed that regulated the speed of automobiles so, the driver might argue, he should not have to pay. Would the case be dismissed? Probably not. The judge might reply that there is an established principle that people cannot use their property to injure others. The judge would apply tradition and common sense in such a case.

In the previous example, the judge’s decision might be remembered by another judge hearing a similar case. Eventually, most judges...
might follow the same precedent, or earlier decision, when considering such cases. Over time, this rule would become a part of the country’s customary, or common, law.

Administrative Law
Many of the laws that affect our daily lives are created by government agencies instead of legislatures. These laws, which are similar to statutory laws, are known as administrative laws. Administrative laws cover many areas of daily life, such as health, safety, education, and banking. For example, the Consumer Product Safety Commission (CPSC) uses administrative law when it rules that a particular toy is unsafe and must be taken off the market immediately.

Constitutional Law
The Constitution is the supreme law of the United States. Constitutional law is based on the Constitution and on Supreme Court decisions interpreting the Constitution. For example, the Sixth Amendment guarantees that a defendant in a criminal case has the right to the “assistance of counsel” for his or her defense. Because of the Supreme Court ruling in 1963 in the case of Gideon v. Wainwright, states are required to provide free legal aid to those defendants who cannot afford to pay for legal representation.

The Roles of the Courts
Courts use the four sources of law to settle disputes. Disputes may take different forms. Some disputes are between people; others are between people and the government; and still others are between governments. In a criminal case, the dispute is between society and an individual. Society is represented by an attorney for the government. In a civil dispute, both sides have attorneys or may represent themselves.

In criminal cases, the person accused of the crime has certain rights, including the right to an attorney, the right to confront the accuser, and the right to a jury trial. The accused is also always presumed to be innocent. It is up to the person bringing the charges to prove “beyond a reasonable doubt” that the accused is guilty of a crime. Finally, if a person is convicted of a crime, he or she has the right to appeal the decision. An appeal is the process by which the person asks a higher court to review the result of the trial. A higher court may find that the lower court has applied the law unfairly or inaccurately. A review of a decision helps to ensure that cases are decided fairly.

Reading Check Evaluating Why do you think the accused is considered innocent until proven guilty?

SECTION 1 ASSESSMENT
Reviewing ideas and Terms
1. a. Define Write a brief definition for each of the following terms: crime, criminal law, and civil law.
b. Elaborate How does being a nation of laws both protect and limit freedom?
2. a. Define Write a brief definition for each of the following terms: common law, precedent, and constitutional law.
b. Support a Point of View Do you think common law is more just or less just than administrative law? Explain your answer.
3. a. Define Write a brief definition for the term appeal.
b. Explain What roles do courts play in society?

Critical Thinking
4. Categorizing Copy the graphic organizer. Use it and your notes to explain the four sources of law that govern Americans. Describe each type.

Focus on Writing
5. Problem Solving Write a descriptive paragraph about life in a country in which there is no rule of law. How might life be improved by establishing a permanent legal system?
Analyzing a News Article

**Activity: Evaluate an Article**

Hand out copies of a recent news article to students. Ask students to create a chart showing facts in the article, sources, and any bias they feel the article contains. Have students work in pairs to complete the chart. When they have finished, create a master chart on the board, and invite student pairs to come to the board and fill in one or two answers. Ask students to compare their charts with the master chart, and discuss any similarities or differences they notice in the information.

**Online Resources**

go.hrw.com

**KEYWORD:** SZ7 CH7

**ACTIVITY:** Analyzing a News Article

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**Learn**

One way to learn about events that are taking place in the world is to read a news article. You can find articles in newspapers, magazines, or on the Internet. News articles provide us with easy access to information on current events or issues.

Ideally, news articles should present balanced information about a subject. Reporters should focus on the important facts related to the story. However, news stories are reported from the perspective of the journalist writing the story. Because much of our knowledge of current events comes from news articles, it is important to be able to analyze them critically. Use the steps below to learn how to analyze a news article.

**Practice**

1. Determine how the story is framed. Read or listen to the news story carefully. Identify the subject of the article, then identify the who, what, when, where, why, and how of the issue.

2. Analyze the facts. Articles should include evidence, such as statistics and quotes from people related to the issue, to back up the main idea.

3. Identify the sources. On what does the author base his or her information? Does the article cite reliable or anonymous sources? Questionable sources might make the information the author presents unreliable.

4. Identify points of view. News reporters, though they may try to be balanced, have a point of view. Ask yourself if the article presents more than one point of view. If not, the article may not be balanced.

**Apply**

Carefully examine the news article below, then answer the questions that follow.

1. What is this news article about? What facts does the author provide?

2. On what sources does the author base his or her information? What evidence do you find that the sources are either reliable or unreliable?

3. Do you think this article is balanced? What elements are someone's opinion?

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**Civics Skills Activity: Analyzing a News Article**

**Determine Fact and Opinion**

1. Hand out copies of a recent or historical news article to students.

2. Ask students to read through the article once, without making any notes or markings. Then, ask students to read through the article a second time. As they read, have students underline statements they believe are facts, and circle statements they believe are opinions.

3. When students have finished, have them compare their marked-up articles with a partner. Ask them to discuss any differences they notice with their partner.

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**Answers**

Apply 1. The nomination of John Roberts Jr. to the U.S. Supreme Court by President Bush; students should list all facts in the article, such as the nomination of Roberts by President Bush, or the retirement of Sandra Day O’Connor, who served as justice of the Supreme Court for 24 terms. 2. A senior administration official; students should cite evidence from the story that makes it reliable or unreliable. 3. Students’ answers will vary but should explain whether or not they feel the article is balanced. The quotes included in the article are opinions.
The federal court system consists of three levels of courts, each of which has specific duties.

Reading Focus

1. What is the purpose of the U.S. district courts?
2. How are the U.S. courts of appeals different from the district courts?
3. What is the role of the U.S. Supreme Court?

Key Terms

jurisdiction, p. 185
original jurisdiction, p. 186
appellate jurisdiction, p. 187
justices, p. 188

district courts, p. 186
courts of appeals, p. 187

Let's say that your favorite actor is arrested during a protest. She might agree to pay a fine, but she might also decide to take her case to court. Depending on the events surrounding the arrest, her lawyers might argue that her First Amendment right, her right to free speech, has been violated. If so, her case would be tried in a federal court.

U.S. District Courts

The U.S. Constitution, in Article III, Section 1, provides that “the judicial power of the United States shall be vested in one Supreme Court, and in such inferior [lower] courts as the Congress may from time to time ... establish.” The First Congress used this constitutional power to set up a system of federal courts. There are three levels of federal courts.

Each level of the federal court system is given jurisdiction in several different kinds of cases. The jurisdiction of a court is the extent or scope of authority that court has to hear and decide a case that has properly been brought before it. There are two types of jurisdiction: original and appellate.

- Original Jurisdiction
- Appellate Jurisdiction

U.S. courts of appeals in 12 circuits
U.S. district courts in all states

Audience:

Civics for Core Curriculum Grades 9-12
Arkansas Curriculum Framework
Civics for Core Curriculum Grades 9-12
SG.8.CCC.3

Preteach

Why It Matters

Write the following question on the board: What if all federal court cases had to be tried in Washington, D.C., and not in the state where the crime was committed? Ask students to suggest scenarios that reveal the problems involved in moving a case from its origin to a distant site. (Students’ scenarios may include an uninformed jury or the inability of witnesses to travel.) Then lead a class discussion on ways the federal court system could be set up to avoid these and other problems.

Academic Vocabulary

Review with students the high-use academic term in this section.

authority: power, right to rule (p. 185)

Key Terms

Preteach the following terms:

jurisdiction: extent of the court’s authority to hear and decide a case brought before it (p. 185)
district courts: lowest level of federal courts in the United States (p. 186)
original jurisdiction: authority to be the first courts in which cases are heard (p. 186)
courts of appeals: second level of the federal court system (p. 187)
appellate jurisdiction: power to review decisions made by lower courts (p. 187)
justices: Supreme Court judges (p. 188)

Taking Notes

U.S. Supreme Court
U.S. courts of appeals in 12 circuits
U.S. district courts in all states

Teach the Main Idea

The Federal Court System

1. **Teach** Ask students the Reading Focus questions to teach this section.

2. **Apply** Ask students to create an outline of the section as they read. Then divide students into three groups. Assign one group the district courts, another the courts of appeals, and the third the U.S. Supreme Court. Based on students’ outlines, have each group create a poster showing the functions of its assigned level of courts.

3. **Review** Have each group present its poster to the class and explain the importance of its level of courts.

4. **Practice/Homework** Have students write a short story tracking a case as it moves through the federal court system.
Differentiating Instruction

**Advanced Learners/GATE**

**Understand the Judiciary Act of 1789**

1. Organize students into pairs.
2. Distribute the *Judiciary Act of 1789* from the *From the Source: Readings in Economics and Government* booklet to each pair. Have students work together to read the document and answer the questions.
3. Ask volunteers to share their answers to the questions and read aloud the passages in the document that support those answers.

**Verbal/Linguistic**

*From the Source: Readings in Economics and Government: Reading 37: Judiciary Act of 1789*

Info to Know

**Assigning Judges to Cases**

To make sure that cases are distributed evenly and that prosecutors and defendants cannot choose their judge, district court judges are usually assigned cases according to a random system. Sometimes, however, judges may be assigned cases in an area in which they have special expertise—for example, cases involving prisoners. As another guarantee of fairness, judges are not allowed to preside over cases in which their personal interests might influence their decision.

**U.S. Federal Districts**

The lowest level of federal courts is the U.S. district courts. District courts are the trial courts, and they are courts of original jurisdiction. Original jurisdiction is the authority of a court to hear and decide a case for the first time. The district court is the only federal court in which jury trials are held. District courts cannot hear appeals from other courts.

Federal district courts are the “local” courts in the federal court system. There is at least one district court in each of the 50 states and in the District of Columbia. Some states are divided into as many as four federal court districts. There are 94 federal district courts in the United States.

**U.S. District Judges**

Judges, including federal judges, do not make law. That is the job of the legislature. Judges apply the relevant law to the case before them. In the federal court system, there may be one judge in a district court, or there may be as many as 28 judges, depending on the caseload of the court.

Federal district judges are trial judges. They conduct both civil and criminal trials, with and without juries. They also rule on court procedures and apply the relevant law to the facts of the case. If there is no jury, the judge also decides which side wins and sets the remedy for the winner. In a criminal case, the judge also decides the punishment.

All federal judges, except those in U.S. territories, are appointed for life by the president and must be approved by the Senate. Federal judges can be removed from office only by impeachment by Congress. Neither Congress nor the president can lower a judge’s salary during his or her time in office. These guarantees were written into the Constitution to ensure that judges are not punished for their decisions in cases.

**REVIEW CHECK**

- Why are federal judges appointed for life at a fixed salary?

- What is the purpose of the U.S. district courts?

- Recall What guarantees help ensure that federal judges are not punished or rewarded for their decisions in cases? They are appointed for life, and neither Congress nor the president can lower their salaries while they are in office.

- Make Inferences Why do you think all states have at least one federal district court? Possible answer: to make sure all U.S. citizens and residents have access to federal courts without having to travel too far.
U.S. Courts of Appeals

After a trial in a district court, the losing party may appeal to the next level of courts. The next level of courts in the federal court system consists of courts of appeals. These courts have what is called appellate jurisdiction. The term appellate means “relating to appeals,” so a court with appellate jurisdiction has the power to review decisions made by lower courts.

The federal court system, with its 94 district courts, is divided into 12 judicial circuits. Each circuit has its own court of appeals. For example, if you live in West Virginia, Virginia, North Carolina, or South Carolina, you live in the 4th Judicial Circuit. The 12th circuit is the District of Columbia. Each court of appeals has between 6 and 28 judges. The judge of each circuit who has served the longest and is under 65 years of age serves as the senior judge. Again, like other federal judges, appellate court judges are appointed for life.

Courts of appeals do not hold trials. Instead, a panel of at least three judges makes a decision on the case. Appellate judges examine the records of the district court trial and hear arguments by the lawyers for both sides. The judges do not determine whether the accused person is guilty or innocent of the crime. Their job is to determine only whether the original trial was fair and if the law was interpreted correctly.

The judges reach their decision by majority vote. The court of appeals may send the case back to the district court for a new trial, or it may uphold the district court’s decision. In most cases, the decision of the court of appeals is final. Sometimes, however, another appeal is made to the U.S. Supreme Court.

Reading Check

1. What are the steps that a case may take through the judicial system?
2. Why might a court of appeals send a case back to a district court for a new trial?

Critical Thinking: Interpreting Maps

Identify Appellate Court Circuits

1. Organize the class into pairs. Give each pair a copy of a map that shows the twelve judicial circuits in the United States.
2. Ask students to identify the circuit in which your state is located. Then have each pair of students write five questions about the map.
3. Invite pairs to exchange and answer each other’s questions. Have students check to make sure their classmates’ answers are correct.

Answers

Analyzing Visuals 1. The case is heard in a U.S. district court and can then be reviewed by a U.S. court of appeals. The appeals court may send the case back to the district court for a new trial or uphold the decision; it can then be appealed to the U.S. Supreme Court.

Reading Check to review decisions and make sure the person who appealed was granted full legal rights; A case can be sent back to district court for a new trial or the decision may be upheld.
The U.S. Supreme Court

The highest court in the land is the U.S. Supreme Court, which meets in Washington, D.C. The Supreme Court is mainly an appeals court. It reviews cases that have been tried in lower federal courts and in state courts. The decisions of the Supreme Court’s nine justices, or judges, cannot be appealed.

The Constitution does give the Supreme Court original jurisdiction in three types of cases. First, the Supreme Court tries cases involving diplomatic representatives of other countries. Second, the court has jurisdiction in cases between states. For example, the Supreme Court once settled a dispute between Arizona and California over the use of water from the Colorado River basin. The Court also hears cases involving a state and the federal government.

**SECTION 2 ASSESSMENT**

**Reviewing Ideas and Terms**

1. **Define** Write a brief definition for each of the following terms: *jurisdiction*, *district courts*, and *original jurisdiction*.
   - **b. Elaborate** What is the purpose of the U.S. district courts?
   - **2. a. Define** Write a brief definition for each of the following terms: *courts of appeals* and *appellate jurisdiction*.
   - **b. Explain** How are courts of appeals different from district courts?
   - **c. Evaluate** In a court of appeals, a three-judge panel usually hears and decides cases. Why do you think it is important for three judges to hear an appeal instead of just one?
   - **3. a. Write** a brief definition for the following term: *justices*.

**b. Recall** What role does the U.S. Supreme Court play in the U.S. court system?

**Critical Thinking**

4. **Summarizing** Copy the graphic organizer below. Use it and your notes to identify and describe the three levels of federal courts.

   ![The Three Levels of Federal Courts]

5. **Supporting a Point of View** Write a position statement supporting or opposing a constitutional amendment that would end the system of lifetime appointments for federal judges.

**Section 2 Assessment Answers**

   - **b. to hold trials in federal cases**

   - **b. They review cases that have been decided in district courts. In appellate courts, judges, not a jury, either uphold a decision or send a case back to lower court—they do not rule on guilt or innocence.**
   - **c. Possible answer: to make sure the decision is fair, not just one person’s opinion**

3. **a. justices**, p. 188
   - **b. acts as a final court of appeals and judges cases between governments**

4. Students should use the graphic organizer to identify and describe the three levels of federal courts.

5. Position statements will vary but should consider the benefits and disadvantages of lifetime appointments.
The Supreme Court

The Main Idea
The Supreme Court hears appeals, reviews laws, and strongly influences American society.

Reading Focus
1. What is the power of judicial review?
2. What are the constitutional checks on the Supreme Court’s powers?
3. How has the Supreme Court strengthened constitutional rights?

Key Terms
judicial review, p. 189
remand, p. 190
opinion, p. 190
concurring opinion, p. 190
dissenting opinion, p. 191

Why It Matters
Write the following statement on the board: Every case is eligible to be tried before the Supreme Court. Ask students whether they agree or disagree with this statement and why. Ask them how they think the Supreme Court decides which cases to try. Help students understand that the Court carefully chooses to consider cases on appeal that deal with important issues.

Academic Vocabulary
Review with students the high-use academic term in this section.
explicitly fully revealed without vagueness (p. 190)

Key Terms
Preteach the following terms:
judicial review courts’ power to decide whether a law or presidential action is in agreement with the Constitution (p. 189)
remand return a case to a lower court (p. 190)
opinion explanation of the reasoning that led to a Supreme Court decision (p. 190)
concurring opinion explanation of a justice who agrees with the decision of the majority, but for different reasons (p. 190)
dissenting opinion explanation of the reasoning of justices who disagree with a majority Supreme Court decision (p. 191)

Vocabulary Activities: Chapter 7
Taking Notes
Judicial review: allows courts to decide if laws and actions are unconstitutional
Checking the court’s power: Supreme Court can be checked by and check the powers of other government branches
Strengthening rights: Supreme Court decisions have made changes to the rights of Americans

The Power of Judicial Review
Over the years, laws have been passed that have later been considered unconstitutional. Laws about segregation and discrimination are good examples. How can such laws be changed? The answers lie with a unique feature of the U.S. court system called the power of judicial review. This power allows courts to decide whether a law or a presidential action is in agreement with the Constitution. The Supreme Court holds the ultimate authority to make this decision. If a court decides that a law conflicts with the Constitution, that law is declared unconstitutional.

The first eight chief justices of the Supreme Court were John Jay, John Rutledge, Oliver Ellsworth, John Marshall, Roger B. Taney, Salmon P. Chase, Morrison R. Waite, and Melville W. Fuller.

What kinds of activities are protected by your right to free speech? What is cruel and unusual punishment? These are all constitutional questions, and many of them have been addressed by the courts. In fact, lower state and federal courts frequently deal with constitutional issues, but their rulings are not the final word. In our system of government, the Supreme Court has the final say about what is constitutional and what is not.

Teach the Main Idea

1. **Teach** Ask students the Reading Focus questions to teach this section.
2. **Apply** Have students summarize the main idea of each main head in this section in one sentence.
3. **Review** Have students contribute ideas from their sentences to a class paragraph summarizing the section. Write the paragraph on the board.
4. **Practice/Homework** Ask students to imagine that they are justices on the Supreme Court. Have them prepare a brief public statement explaining their work and the importance of the Court.
The Constitution does not explicitly give the judicial branch the power of judicial review. John Marshall established the power when he served as chief justice of the Supreme Court from 1801 to 1835. Marshall promoted the idea of judicial review for the first time in 1803 in the case of Marbury v. Madison.

The case involved William Marbury, who had been promised an appointment as a justice of the peace by outgoing president John Adams. President Thomas Jefferson ordered the new secretary of state, James Madison, to deny Marbury's appointment. Marbury claimed that the Judiciary Act of 1789 gave the Supreme Court the power to order Madison to give him the promised appointment. However, Chief Justice Marshall ruled that the act gave the Supreme Court powers that it had not been granted by the Constitution. Because the Constitution is the supreme law of the land, the Judiciary Act passed by Congress was declared unconstitutional. This was the first time the Supreme Court had declared an act of Congress unconstitutional and thus established the concept of judicial review.

Choosing Cases
More than 7,000 cases are filed with the Supreme Court each year. The Court may decide, with or without a formal written opinion, only about 130 to 150 of those cases. It accepts only those cases that generally deal with important constitutional or national questions. At least four of the nine justices must vote to hear a case. If the Supreme Court refuses to review a case, the decision of the lower court remains in effect. The Court may also remand, or return, a case to a lower court for a new trial.

Hearing and Deciding Cases
The Supreme Court hears cases by oral argument. Lawyers for the parties in a case each have 30 minutes to present their arguments. Then the justices spend their time reading written arguments and considering what was said in court. When they are ready to decide a case, they hold a private meeting to vote. Each justice has one vote, and decisions are reached by a simple majority.

After deliberation and voting, the Court delivers its opinion. An opinion explains the reasoning that led to the decision. The Court’s opinion is binding on all lower courts. Sometimes a justice agrees with the decision of the majority, but for different reasons. In that case, the justice may decide to write a concurring opinion.
In many cases, one or more justices disagree with the majority opinion. These justices may file a dissenting opinion. The dissenting opinion explains why the justice believes the majority opinion is wrong. Although dissenting opinions have no effect on the law, they are still important. Many dissenting opinions have later become the law of the land when the beliefs of society and the opinions of the justices change. For example, in *Plessy v. Ferguson*, Justice John M. Harlan dissented, saying that the Constitution should not be interpreted in ways that recognize class or racial distinctions.

**Supreme Court Justices**

The size of the Supreme Court is determined by Congress. Since 1869, the number of justices has been set at nine. The Court has a chief justice, who is the principal judge, and eight associate justices. Supreme Court justices, like other federal judges, are appointed for life by the president and approved by the Senate. Justices can be removed only by impeachment. There are no special requirements to be a Supreme Court justice.

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**Differentiating Instruction**

**English Language Learners**

**Write a Want Ad for a Supreme Court Justice**

1. Tell students to imagine that there is a vacancy on the Supreme Court.
2. Refer students to the Chapter 22 Media Literacy Skill on p. 585 to see a model help wanted advertisement.
3. Have each student write a want ad for the position of Supreme Court justice. The ad should explain the appointment process and the length of the term. Students should also include job requirements and qualifications. Encourage students to be creative in their attempts to attract people to work for the Supreme Court.
4. Ask volunteers to share their advertisements with the class.

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**Checking the Court’s Power**

How do the other branches of government check the powers of the judicial branch? The executive branch—the president—has the power to appoint all federal judges, including Supreme Court justices. Of course, the Senate must confirm all nominees for federal judgeships, including Supreme Court justices. If a nominee cannot win the support of a majority of the senators, the nomination may be rejected and the president would have to appoint someone else.

If the Court rules that a law is unconstitutional, Congress can try to write a better law. Congress may change the law enough so that the Supreme Court can uphold the new law. Another way for Congress to check the Court’s power is to amend the Constitution. For example, in 1895 the Supreme Court declared that an income tax law passed by Congress was unconstitutional. So in 1913 the states ratified the Sixteenth Amendment, which gave Congress the power to tax a person’s income. The income tax then became legal and constitutional.

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**Answers**

**Reading Check (left)** Possible answer: It determines which laws are valid and what kinds of laws can be enacted.

**Reading Check (right)** by passing new laws to replace those found unconstitutional and by passing amendments to the Constitution.
FOCUS ON
Thurgood Marshall
(1908–1993)
Thurgood Marshall was born in Baltimore, Maryland. He graduated first in his class from Howard Law School in 1933 and soon became a key legal council for the National Association for the Advancement of Colored People (NAACP). He helped the NAACP win several important civil rights cases. Perhaps his most famous victory was Brown v. Board of Education, which outlawed segregation in public schools.

Marshall was appointed to a federal court of appeals in 1961. He became the first African American justice on the Supreme Court in 1967, serving for more than 20 years. Marshall retired from the court in 1991. He left behind a legacy of defending individual rights and demanding equal justice for all Americans.

Strengthening Rights

Supreme Court decisions have allowed the Constitution to meet the demands of changing times. For example, in 1954 the Court decided in the case of Brown v. Board of Education that the segregation of public schools was unconstitutional. By doing this the Court reversed an earlier opinion that said segregation was constitutional as long as there were separate-but-equal facilities for whites and African Americans. In Brown, the Court ruled that segregated schools were inherently unequal and therefore violated the Fourteenth Amendment. The Court ruled that public schools be desegregated “with all deliberate speed.”

The 1954 Brown decision did not completely eliminate segregation. It took other cases and decisions to strike down other discriminatory laws.

Like the Brown decision, other Supreme Court opinions have made far-reaching changes in American life. For example, the Court has made several rulings on the rights of the accused and voting rights.

In the 1966 case of Miranda v. Arizona, the Court declared that the police must inform arrested suspects of their rights before questioning them.

The Court also made several decisions in the 1960s affecting voting rights and representation in Congress. These decisions were aimed at ensuring that each person’s vote counts the same as any other person’s vote.

SECTION 3 ASSESSMENT

Reviewing Ideas and Terms

1. a. Define Write a brief definition for each of the following terms: judicial review, remand, opinion, concurring opinion, and dissenting opinion.
   b. Compare and Contrast What are the differences between a concurring opinion and a dissenting opinion?

2. a. Recall What can Congress do to check the power of the Supreme Court?
   b. Support a Point of View Does the Supreme Court have too much power? Why?

3. a. Summarize What are some issues Supreme Court cases have addressed?

Critical Thinking

4. Sequencing Copy the graphic organizer. Use it to identify the steps a case goes through in the Supreme Court.

Focus on Writing

5. Identifying Points of View You are a senator considering a presidential nominee for Supreme Court justice. Write a letter to your colleagues explaining how you intend to vote for the nominee.

Section 3 Assessment Answers

1. a. judicial review, p. 189; remand, p. 190; opinion, p. 190; concurring opinion, p. 190; dissenting opinion, p. 191
   b. Concurring opinion—agrees with the majority opinion for different reasons; dissenting—agrees with the majority

2. a. replace unconstitutional laws and amend the Constitution b. Answers will vary but should show students’ understanding of the power of the Supreme Court.

3. a. civil rights and civil liberties, rights of accused persons, voting rights and representation
   b. Possible answer: Arrested suspects might not be aware of their rights before being questioned, possibly leading to wrongful convictions or imprisonments

4. Students should identify the steps a Supreme Court case goes through.

5. Opinions in letters will vary but should consider the impact of the appointment.
When Mexico, Missouri, bicyclists ride safely between Fairground and Lakeview Parks or on the Lakeview trail, they will have a local Project Citizen class to thank. These students supported the Lakeview trail proposal, wrote rules for the trail, and planned a bike-lane route to connect the two parks.

Community Connection Students in Ms. Diana Henage’s class were concerned that their city did not provide any areas designated for bicycle riding. There were no bike trails and no bicycle lanes on city streets. When the students conducted community surveys, they found there was overwhelming public support for the creation of such bicycle lanes and trails.

Taking Action The class created a “Pedal to the Metal” proposal. They wanted to create bicycle lanes connecting two public parks. They also wanted to establish rules for cyclists, walkers, and people in wheelchairs on trails. They began by interviewing city officials about a park bicycle trail that was already being considered, as well as their new proposal. With student support, the park trail was approved, and the city council agreed to consider painting bike lanes. But the class did not stop there. The students gathered information on statewide bicycle programs and then sent lists of rules and regulations to the city manager and the city parks director for final approval. The students look forward to seeing their rules posted at the entrance of the new Lakeview Park Trail!

Info to Know

**Benefits of Bicycle Lanes** Bicycle lanes can help make the road safer not only for cyclists but also for drivers and pedestrians. One survey of League of American Bicyclist members found that bike lanes were the safest place to ride—safer than streets, sidewalks, or bike trails. In places with bike lanes, both overall accidents and those involving bicycles can fall from a third to more than half. On streets with bike lanes, riders are also much less likely to violate traffic rules. In addition, the presence of bicycle lanes often encourages more people to ride their bicycles and get the benefits of exercise.

**Encouraging Safe Exercise**

1. How were the students inspired to promote safe exercise in their community?
2. How did the students work with local officials to gain support for their ideas?

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**Create a Landscape**

1. Point out that the Missouri students helped people better appreciate the outdoors through safe bike riding. Another way people express and appreciate the beauty of the outdoors is through art.
2. Tell students that a work of art showing outdoor scenery is called a landscape. Have students research famous landscapes in books.
3. Take the class outside on the school grounds. Using colored pencils or watercolor paints, have students create landscapes. Encourage students to add people doing outdoor activities in their landscapes.

**Answers**

1. They were concerned that their city provided no areas designated for bicycle riding.
2. They talked about the issue with local and state officials to get their feedback and advice—and eventually their support.
Reviewing Key Terms

1. When a person commits a crime, he or she is tried in a court.
2. Criminal law deals with acts that are considered crimes.
3. In a civil case, a judge applies civil law when making a decision.
4. Common law relies on both the common sense of judges and the outcomes of previous cases.
5. A judge may choose to follow the precedent of a previous case when making a decision.
6. The Supreme Court uses constitutional law when deciding if laws or rulings are unconstitutional.
7. A defendant who receives a guilty verdict in a trial may be able to appeal the decision in a higher court.
8. The authority of a court to hear and decide a case properly brought before it is its jurisdiction.
9. District courts are the lowest level of federal courts in the United States.
10. A court can hear and decide a case for the first time if it has original jurisdiction.
11. Courts of appeals are the next level of courts after district courts.
12. A court with appellate jurisdiction can review decisions made by a lower court.
13. Supreme Court judges are called justices.
14. The power of judicial review allows courts to decide whether laws or presidential actions are unconstitutional.
15. The Supreme Court may sometimes choose to remand a case it receives to a lower court for a new trial.
16. Justices write opinions to explain the reasoning behind the court’s decisions.
17. A justice gives a concurring opinion when he or she agrees with the majority of the opinions of the court, but for a different reason.
18. A dissenting opinion is given by a justice who disagrees with the majority opinion.

Visual Summary

Use the visual summary to help you review the main ideas of the chapter.

There are three main levels of federal courts that lead to the U.S. Supreme Court, the court that has the final say on what is constitutional and what is not.

Comprehension and Critical Thinking

SECTION 1 (Pages 180–183)
19. a. Describe What are the types of laws that exist in the United States?
   b. Explain What purposes do U.S. courts serve?

SECTION 2 (Pages 185–188)
20. a. Recall What two kinds of cases are tried in district courts?
   b. Sequence How is the federal court system organized?

SECTION 3 (Pages 189–192)
21. a. Recall How are appointments made to the Supreme Court, and how long do justices serve?
   b. Summarize How did John Marshall increase the Supreme Court’s power?
   c. Elaborate How does the Supreme Court limit Congress’s power?

Comprehension and Critical Thinking

19. a. criminal laws and civil laws
   b. U.S. courts settle criminal and civil disputes.

20. a. criminal and civil cases
   b. district courts: lowest level, trial courts; courts of appeals: next level, review decisions made by district courts; U.S. Supreme Court: highest court in the land, mainly reviews cases heard in lower courts

21. a. Justices are appointed by the president and approved by the Senate. They serve for life or until they choose to retire.
   b. He established the power of judicial review.
   c. The Supreme Court can rule that laws passed by Congress are unconstitutional.
BUSH NOMINATES ROBERTS TO SUPREME COURT

Republicans praise nominee as Dems vow thorough review
WASHINGTON (CNN) -- President Bush on Tuesday chose as his first Supreme Court nominee U.S. Circuit Judge John Roberts Jr., a conservative whose selection pleased Republicans and prompted Democrats to vow a thorough review in the Senate.

If confirmed by the Senate, Roberts would replace retiring Justice Sandra Day O’Connor, who gained a reputation as a moderate swing voter in her 24 terms on the nation’s highest court.

Bush called the selection of a nominee to the high court “one of the most consequential decisions a president makes.”

Bush’s announcement, televised nationally in prime time Tuesday from the White House, ended nearly three weeks of fervent speculation about who would take O’Connor’s pivotal place on the court.

A senior administration official told CNN that Bush interviewed Roberts Friday at the White House and made his final decision Tuesday morning. He called Roberts about 12:30 p.m. to offer him the appointment.

With Roberts standing at his side, Bush said the nominee “has devoted his entire professional life to the cause of justice and is widely admired for his intellect, his sound judgment and personal decency.”

In a brief statement, Roberts said, “It is both an honor and very humbling to be nominated to serve on the Supreme Court.”

Source: CNN.com

23. Does this article seem to favor one side of the issue over another? Explain your answer.

The team created a “Pedal to the Metal” proposal. They wanted to create bicycle lanes connecting two public parks. They also wanted to establish rules for cyclists, walkers, and people in wheelchairs on trails. They began by interviewing city officials about a park bicycle trail that was already being considered, as well as their new proposal. With student support, the park trail was approved and the city council agreed to consider painting bike lanes. But the team did not stop there. The students gathered information on statewide bicycle programs and then sent lists of rules and regulations to the city manager and the city parks director for final approval. The students look forward to seeing their rules posted at the entrance of the new Lakeview Park Trail! (p. 193)

24. Which of the following statements from the passage is an opinion?
   a. With student support, the park trail was approved.
   b. The students look forward to seeing their rules posted at the entrance of the new Lakeview Park Trail!
   c. The students gathered information on statewide bicycle programs.
   d. The city council agreed to consider painting bike lanes.

25. Writing a Radio News Broadcast Review your notes on the process a court case takes, from the original trial all the way to the Supreme Court. Then, pick one of the Supreme Court cases discussed in your textbook. Using the library or an online resource, research the history of the case. Now write a radio news broadcast where you follow the case through the judicial system.

The Supreme Court’s decisions supersede those of lower state courts and therefore impact all citizens’ lives. The Court’s rulings are based on how a law relates to the Constitution, which remains the supreme law of the land.
**Judges for Life**

**Activity** Consider Justices’ Age

Tell students to imagine that they are Supreme Court justices. Lead a class discussion in which students describe how they would feel about being told they must retire by a certain age. What problems might they have with this idea? Would it have any benefits for them? If students need help, bring up considerations such as the in-depth process of making appointments to the Court and the controversy that frequently surrounds Supreme Court vacancies and nominations.

**Info to Know**

**Court-packing** In 1937, President Franklin Roosevelt proposed one of the most famous and controversial plans concerning the issue of aged justices. In his first term as president, Roosevelt did not have the opportunity to appoint any Supreme Court justices. He also faced opposition from the Court, which declared several key parts of his New Deal unconstitutional. To solve these problems, Roosevelt suggested reorganizing the Court. His idea would have allowed him to appoint an extra justice for every justice over age 70. However, most Americans—and their representatives in Congress—disapproved of this “court-packing” plan, and it was not approved by Congress.

**Why it Matters**

Justices of the U.S. Supreme Court are appointed for life, as are all other federal judges. These people play an important role in interpreting the laws that govern our country and our lives. For instance, think about how the Court’s decision on file-sharing technology might affect you. Federal judges decide many other issues that affect our daily lives and our futures. The public often debates whether it is fair for these decisions to be made by people who may sometimes be far removed from the younger generations their decisions affect the most. But Article 2, Section 1, of the U.S. Constitution states that Supreme Court justices should be appointed for life. The framers wanted justices to be able to make decisions freely, without political influence or concerns about how their decisions might affect their chances of reelection. The justices can serve until they die or they choose to retire. William O. Douglas, the longest-serving Supreme Court justice, held his position for 36 years before retiring. The oldest justice, Oliver Wendell Holmes, served until he was 90. Many justices have served into their 80s. Some people believe that there should be a required retirement age for Supreme Court justices. Others point out that Americans are now living longer, healthier lives. If older justices are able to do their jobs well, their age should not matter. And, they argue, the experience the justices gain with age will benefit the Court.

**Critical Thinking: Analyzing Information**

**Apply Research about a Supreme Court Justice to an Argument**

**Research Required**

1. Have students research the career of a current or former Supreme Court justice. They may choose one of the justices mentioned in the Law 101 feature, or another justice.

2. Based on what they learned about this justice, have students write a short report explaining how evidence from this justice’s career can either help support or help refute the argument that justices should be required to retire. Encourage students to consider factors such as the justice’s length of service, mental and physical health, and changing or consistent views over the course of his or her service on the Court.

3. Ask students to summarize their findings for the class. Use their contributions to make a class pro-and-con list about requiring justices to retire by a certain age.

**Answers**

**Evaluating the Law 1. Possible answers:** Yes, because people in different generations may be more or less familiar with different ideas, technology, and so on; No, age is not a factor in judges’ views on issues. 2. Students’ answers will vary. Possible answer: Justices might make decisions that appealed to certain groups to ensure that they would remain on the court.