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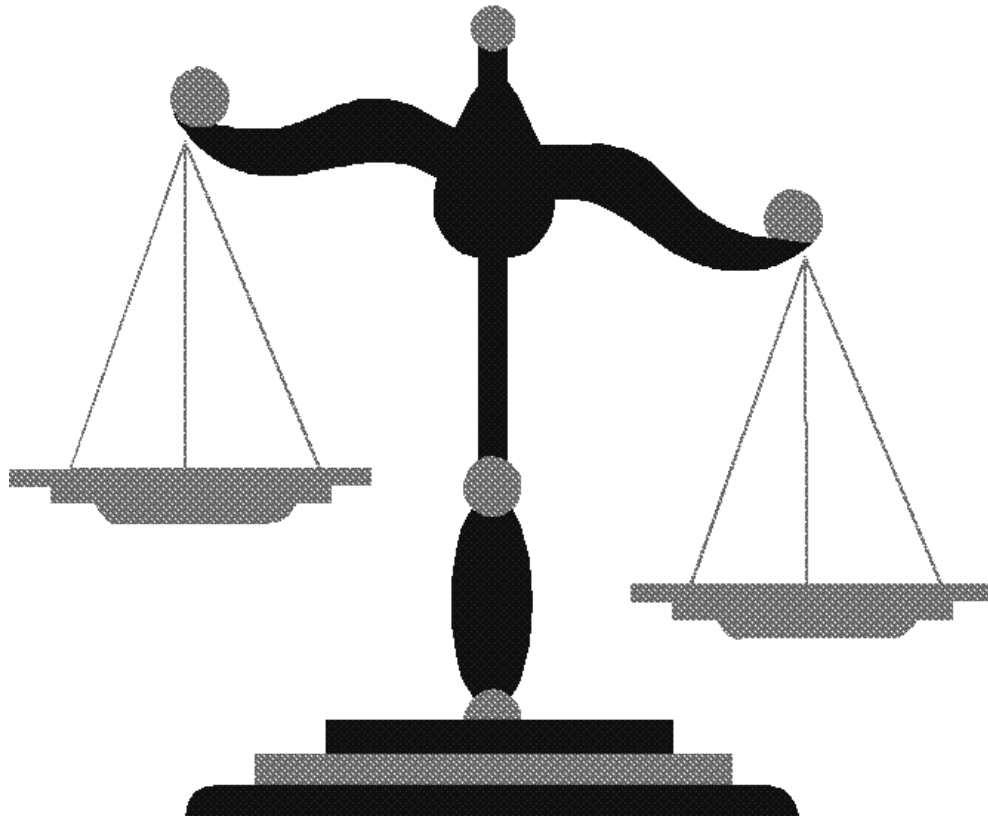
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i Think: Government

Judicial Branch



by Kendra Corr
and Sharon Coletti

** It is the goal of InspirEd Educators to create instructional materials that are interesting, engaging, and challenging. Our student-centered approach incorporates both content and skills, placing particular emphasis on reading, writing, vocabulary development, and critical and creative thinking in the content areas.

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Creating A Court

Springboard:

Students should read “Article III, Section 1”
and answer the questions.

Objective: The student will be able to explain the need for a national judiciary in the United States.

Materials:

Article III, Section 1 (Springboard handout)
Sticky Situations (handout)
The Role of the Court (handout)

Terms to know:

judicial - relating to courts, the law, judges
ambassador - official representative of a country
compensation - pay
maritime - relating to the ocean

Procedure:

- While reviewing the Springboard, point out that *the original Articles of Confederation did not include a national judiciary*. Go on to explain that *in this lesson the student(s) will determine why the founders of our government added this branch of government in the Constitution*.
- Distribute “Sticky Situations” and have the student(s) work independently or in pairs to study the scenarios and offer their analyses.
- Then have them share answers and discuss. Make sure the student(s) recognize that *there would be a lot of confusion and disagreement over who would have jurisdiction over each situation*.
- Then, distribute “The Role of the Court” and have the student(s) complete the form. *(Reasons for federal courts are listed in the excerpt of Article III Section. State courts are needed when the crime is committed in the same state the criminal is caught, for cases between the state and a resident of that state, for cases between two residents of the same state, etc. Answers to the final question will vary, but by the conclusion of this lesson the student(s) should understand that situations often arise when crimes cross state lines, or conflicts arise between two or more states and/or citizens of different states.)*

Article III: Section I

*The judicial Power of the United States, shall be **vested in** one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.*

The excerpt is from the

- A. Declaration of Independence.
- B. U.S. Constitution.
- C. Articles of Confederation.
- D. Bill of Rights.

This provision establishes the

- A. U.S. House of Representatives.
- B. Office of the U.S. President.
- C. U.S. Supreme Court.
- D. United States Senate.

The phrase “vested in” could properly be replaced by the words

- A. possessed by.
- B. clothed in.
- C. according to.
- D. ruled by.

Which question can be answered based on the passage?

- A. Who is responsible for creating the inferior courts?
- B. What is the salary of a U.S. member of the courts?
- C. How many inferior courts exist in the United States?
- D. What the punishment is for bad behavior on the court?

Why do you suppose this branch of government is specifically addressed in Article III, Section 1? _____

Article III: Section 1 - Answers & Explanations

*The judicial Power of the United States, shall be **vested in** one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.*

This excerpt is from the

- A. Declaration of Independence
- B. U.S. Constitution*
- C. Articles of Confederation
- D. Bill of Rights

(An important clue is that the Constitution is written in “articles” and “sections” and defines the qualification and powers of federal branches.)

This provision establishes the

- A. U.S. House of Representatives.
- B. Office of the U.S. President.
- C. U.S. Supreme Court.*
- D. United States Senate.

(Several context clues such as “court,” “judicial,” and “judges” lead to the correct answer.)

The phrase “vested in” could properly be replaced by the words

- A. possessed by *
- B. clothed in
- C. according to
- D. ruled by

(Even if students do not know the meaning of the word “vested,” Choice A is the only option that makes sense in place of “vested in” in the sentence context.)

Which question can be answered based on the passage?

- A. Who is responsible for creating the inferior courts? *
- B. What is the salary of a U.S. member of the courts?
- C. How many inferior courts exist in the United States?
- D. What the punishment is for bad behavior on the court?

(Choices B, C and D are pieces of information that are not provided by the passage, whereas the excerpt tells that Congress ordains and establishes them.)

Why do you suppose this branch of government is specifically addressed in Article III, Section 1? *Answers will vary, but students should recognize that the Supreme Court is one of the three branches of the U.S. federal government and its establishment was addressed by the Constitution, just as Congress and the President.*



Sticky Situations

DIRECTIONS: Read each scenario and explain what you think could be some issues or disagreements that could arise in trying each case.

A thief steals a car in Oklahoma. He drives all the way west to Colorado before he is caught by the police. Along the way, he robs a woman in Kansas for gas money. _____

The state of Montana has a law that an 18-year-old can purchase and own semi-automatic weapons. For his eighteenth birthday John's parents buy him one of these guns. Six months later John moves to Nebraska where the law there states that one must be 21 years old to own the same weapon. _____

A Missouri woman is caught bullying a young girl in an Internet chat room. This state has no laws that make what she has done illegal. The servers for the website she used are located in California where there are laws against cyber-bullying. _____

A flight leaves Boston, Massachusetts. While in flight, a passenger from Texas assaults a flight attendant who lives in Florida. _____

A ship is stopped off the coast of California. The captain and several crew members are arrested when drugs are discovered on board. The men were arrested while on U.S. territorial waters, but the men are all Australians. _____



THE ROLE OF THE COURT

DIRECTIONS: Read more of Article III to complete the left side of the chart; and based on that information, predict reasons and scenarios when Americans would need state courts on the right side of the chart. Then answer the question below.

SECTION 2:

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; to all Cases affecting Ambassadors, other public ministers and Consuls; to all Cases of admiralty and maritime Jurisdiction; to Controversies to which the United States shall be a Party; to Controversies between two or more States; between a State and Citizens of another State; between Citizens of different States; between Citizens of the same State claiming Land under Grants of different States, and between a state, or the Citizens thereof, and foreign States, Citizens or Subjects.

| Why we need federal courts | Why we need state courts |
|----------------------------|--------------------------|
| | |

? Based on what you have learned, do you think the federal judiciary is necessary? Why or why not? _____

Making a Federal Case of It

Springboard:

Students should study the “Federal Court Jurisdiction” handout and answer the questions.



Objective: The student will be able to describe cases that would fall under the jurisdiction of the federal court system.

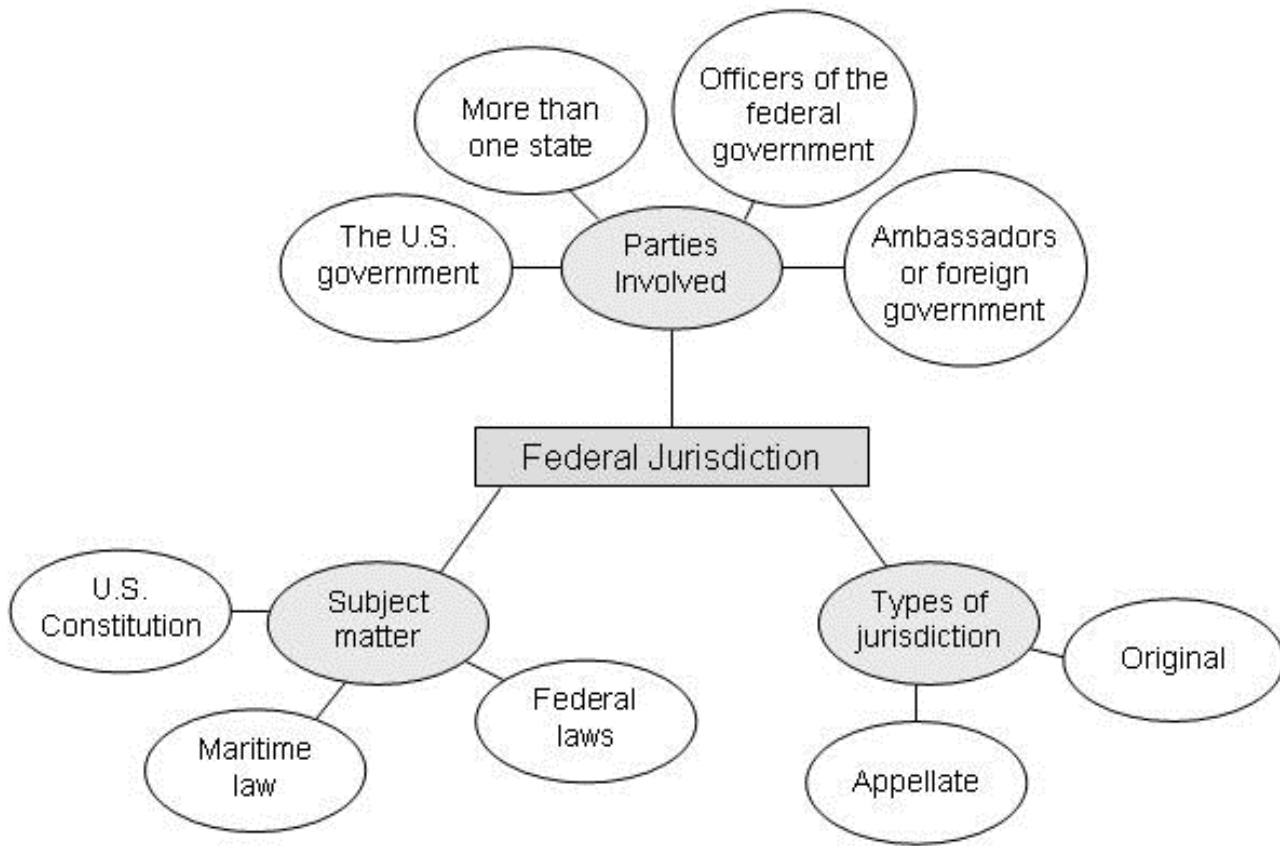
Materials: Federal Court Jurisdiction (Springboard handout)
Who Hears What? (handout or transparency)
Making Your Case (handout)

Terms to know: **jurisdiction** - authority to hear and decide a case
appeal - request for a higher court to modify or reverse a lower court's decision
commerce - relating to buying and selling of goods and services
class action - a lawsuit brought by a large group of people with the same complaint

Procedure:

- After reviewing the Springboard, explain that *in this lesson the student(s) will take a closer look at the criteria that determines whether or not a case can be heard by the federal judiciary or if it falls under the authority of state courts.*
- Distribute “Who Hears What?” and “Making Your Case.” The student(s) should work independently or in pairs, using information from the Venn diagram to create their scenarios. (*Answers will vary but should reflect Venn diagram information.*)
- **For group instruction** have the students read their scenarios for the class to determine which court (federal or state) would hear it based on Venn diagram information. **For individual instruction** have the student share the cases and explain why each fits under the appropriate category.

FEDERAL COURT JURISDICTION



The graphic would **BEST** be described as a/an

- A. outline. B. web. C. graph. D. chart.

The purpose of the graphic is to

- A. organize and categorize information.
 B. graphically illustrate cause and effect.
 C. compare and contrast two concepts.
 D. show percentages of each category.

The word “appellate” most likely means

- A. application. C. apprehend.
 B. appeal. D. apprehension.

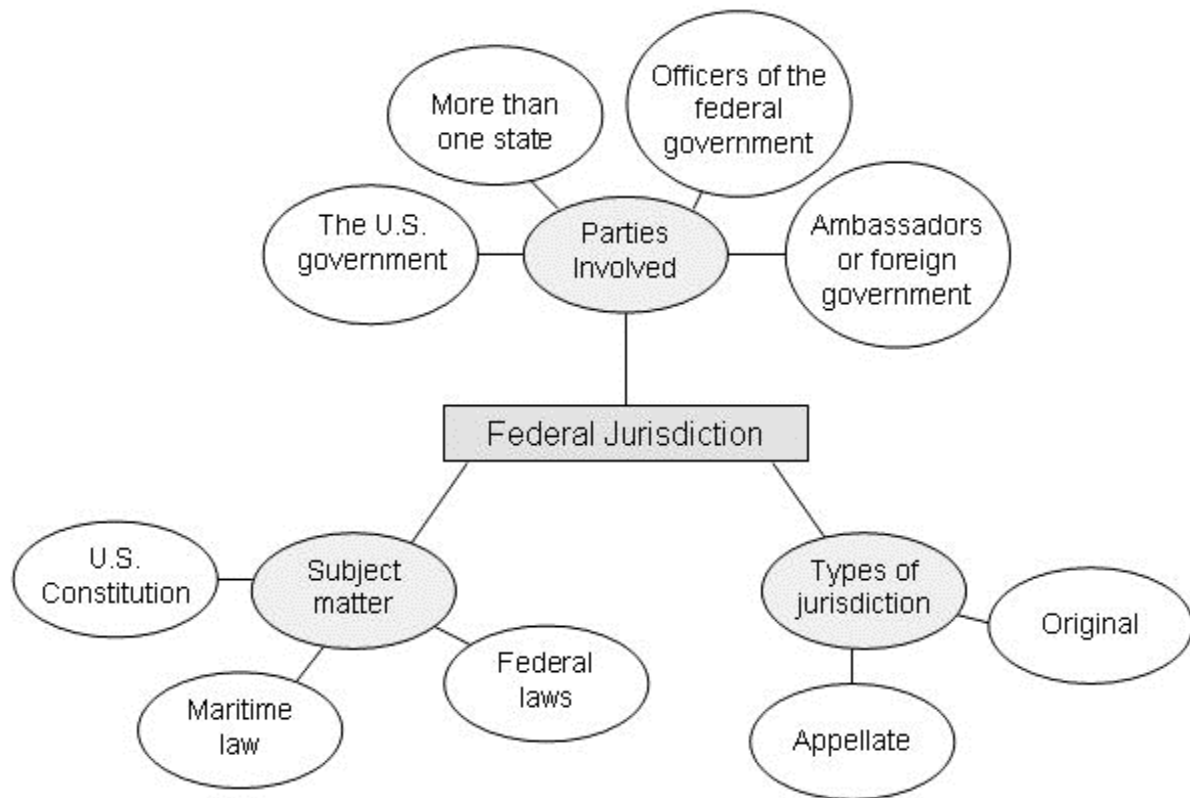
According to the graphic, federal jurisdiction depend on all of these EXCEPT

- A. subject matter. C. parties involved.
 B. type of jurisdiction. D. state involvement.

The U.S. Constitution is to the federal judiciary, as ____ are to ____.

- A. federal laws ... district courts
 B. state constitutions ... state courts
 C. ambassadors ... parties involved
 D. international courts ... maritime laws

FEDERAL COURT JURISDICTION - ANSWERS & EXPLANATIONS



The graphic would **BEST** be described as a/an

- A. outline. B. web. * C. graph. D. chart.

(Webs typically have radiating information about the main topic in the center.)

The purpose of the graphic is to

- A. organize and categorize information. *
 B. graphically illustrate cause and effect.
 C. compare and contrast two concepts.
 D. show percentages of each category.

(A web breaks down a topic into sub-categories with information about them.)

The word “appellate” most likely means

- A. application C. apprehend
 B. appeal * D. apprehension

(The root word of appellate is appeal, which also makes sense in the context.)

According to the graphic, federal jurisdiction depend on all of these **EXCEPT**

- A. subject matter. C. parties involved.
 B. type of jurisdiction. D. state involvement. *

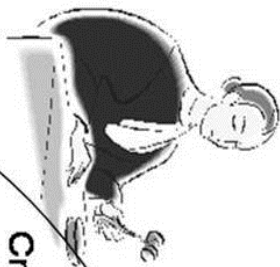
(Choices A, B and C are all “spokes” coming off the main topic.)

The U.S. Constitution is to the federal judiciary, as ____ are to ____.

- A. federal laws, district courts
 B. state constitutions, state courts*
 C. ambassadors, parties involved
 D. international courts, maritime laws

(The first part of the analogy refers to a federal document, the second to courts. That relationship is the same at the state levels. State constitutions are similar to the federal.)

Who Hears What?



Federal Courts

Crimes under laws enacted by Congress

Cases involving federal laws

Matters over interstate and international commerce

Cases involving publicly held corporations and other forms of investments

Maritime cases

International trade law

Patents for inventions and copyright cases

Disputes between states

Traffic violations and other laws broken on federal property

Both

Crimes punishable by both state and federal laws

Some civil rights cases

Class action cases

Cases involving environmental laws

State Courts

Crimes under state laws

State constitution issues

Family law issues

Landlord and tenant issues

Professional malpractice cases

Most cases involving business partnerships and companies within a state

Personal injury cases

Worker's injury cases

Disputes over wills and other inheritance matters

Most traffic violations and other motor vehicle cases

