

- Invite a lawyer, judge or other official from the judicial branch to speak to the class. Prior to the official's arrival, have students draw up a list of questions pertinent to the visitor's occupation.
- Arrange a field trip to a local court to observe a trial. Prepare for the trip by having students draw up a list of points of procedural interest in the trial, such as jury selection, admission of evidence, pre-trial discovery, cross-examination, judge's instructions to jury, etc. After the trip, hold a debriefing session in which each point of procedural interest that occurred at the trial is discussed.
- Encourage students to imagine that they could interview one of the Supreme Court justices from American history. Who would they select? What would they like to ask them? Students can write up their interview as a newspaper article, television segment or picture book for a young child.
- After further researching elements from trials in the American judicial system, students can enact a mock trial for story characters from fairy tales or nursery rhymes. They could try the Big Bad Wolf for destroying the pigs' property, or Goldilocks for breaking and entering the bears' home. Students can volunteer to be the judge, attorneys, jury members or the characters, witnesses or other important members of the trial. The trial should include the delivery of opening statements, the cross-examining of witnesses, the delivery of closing arguments and the review of the case by jurors.
- Students can compare the state and federal court systems by completing a Venn diagram.
- Encourage students to study the role of the Supreme Court in the presidential election of 2000, specifically the controversial decision in *Bush v. Gore* (2000). (See caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=US&navby=case&vol=000&invol=00-949 for information about the case.) Do students agree or disagree with this ruling? Students can write their own opinion or dissent as if they were justices reviewing this case.
- Students can search for recent news articles about the American judicial system. What do these articles say about the state of the judicial system? Are any problems identified, such as the overburdened caseloads of prosecutors, overcrowded prisons or judicial corruption? How are these situations affecting people's confidence in the judicial system? Can students generate ways to address these problems?

Suggested Internet Resources

Periodically, Internet Resources are updated on our Web site at www.LibraryVideo.com

- www.supremecourtus.gov

This official site of the Supreme Court of the United States offers information about the history and procedures of the highest court in the land.

(Continued)

- oyez.nwu.edu

Northwestern University presents The Oyez Project, which provides many resources about the U.S. Supreme Court, including a database of cases, biographies of individual justices and a virtual tour of the Supreme Court building.

- www.landmarkcases.org/3rddraft.html

This Web site provides a great deal of information about landmark cases of the U.S. Supreme Court, including summaries of each of the cases, a diagram of how the case moved through the court system and excerpts from the opinions.

Suggested Print Resources

- Brannen, Daniel E. & Richard Clay Hanes. *Supreme Court Drama: Cases That Changed America*. U.X.L, Detroit, MI; 2001.
- DeVillers, David. *Marbury v. Madison: Powers of the Supreme Court*. Enslow Publishers, Springfield, NJ; 1998.
- Irons, Peter. *May It Please the Court: Courts, Kids and the Constitution*. New Press, New York, NY; 2000.
- Mauro, Tony. *Illustrated Great Decisions of the Supreme Court*. CQ Press, Washington, D.C.; 2000.
- Raskin, Jamin B. *We the Students: Supreme Court Cases For and About Students*. CQ Press, Washington, D.C.; 2000.

TEACHER'S GUIDE CONSULTANT

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THE JUDICIAL BRANCH

Grades 5–12

This guide is a supplement designed for teachers to use when presenting programs in the video series *United States Government*.

Before Viewing: Give students an introduction to the topic by relaying aspects of the program overview to them. Select pre-viewing discussion questions and vocabulary to provide a focus for students when they view the program.

After Viewing: Review the program and vocabulary, and use the follow-up questions and activities to inspire continued discussion. Encourage students to research the topic further with the Internet and print resources provided.



Program Overview

The United States is a country built upon laws. In America, laws are made by the legislative branch of government, put into action and enforced by the executive branch, and interpreted and applied by the judicial branch. By separating the powers of government, the Constitution's framers ensured that no one group could exercise too much power. For the same purpose, a system of checks and balances was also created, according to which each branch shared some of the powers of the other two.

The American judicial system has two distinct parts. One is the system of 50 state courts that deals with state law; the other is the single system of federal courts that focuses on federal law. The authority of a court to hear a case is called its jurisdiction. States have jurisdiction in cases arising under state law within the state's boundaries, but federal courts have jurisdiction in cases such as those involving more than one state, other countries or the U.S. Constitution. Every state has at least one federal district court. The decisions of federal courts can be appealed to appellate courts, and, if the case involves a constitutional issue, it may be appealed to the U.S. Supreme Court.

The U.S. Supreme Court has time to hear only a small fraction of the cases appealed to it. This body is composed of nine justices, one of whom is designated Chief Justice of the United States. The President nominates justices, but they cannot take office unless approved by the U.S. Senate. Who sits on the U.S. Supreme Court is especially important because justices are given lifetime appointments and must interpret the U.S. Constitution and how it is to be applied in specific cases. There are different approaches to interpreting the Constitution, but regardless of the approach, one thing is for sure — the judicial branch is responsible for interpreting and applying the law of the land!

Vocabulary

United States Supreme Court — The highest court in the U.S. judicial system. The Supreme Court is empowered to decide certain categories of legal cases and is composed of nine members called justices.

judicial branch — The branch of American government that interprets and applies the law.

rule of law — The concept that every member of a society, including the rulers, must follow the law.

legislative branch — The branch of American government that makes the law.

executive branch — The branch of American government that carries out, or executes, the law.

U.S. Constitution — The written plan of American government and the highest law of the land. The Constitution empowers and limits U.S. government.

separation of powers — The concept of dividing the power of government among groups to keep excessive amounts of power from being exercised by any one group. *(Continued)*

checks and balances — The system of sharing powers among the three branches of the national government so that no branch can abuse its powers.

judicial review — The power of the courts, headed by the U.S. Supreme Court, to declare laws and administrative acts null and void because they are inconsistent with the U.S. Constitution.

jurisdiction — The right of a court to hear a case. Original jurisdiction refers to the right to be the first court to hear a case, as opposed to appellate jurisdiction, which is the right to hear a case that has already been decided by a lower court.

district courts — The main trial courts in the federal court system. The United States is divided into districts, and each district has a district court.

appeal — A legal proceeding in which a court case is brought before a higher court to review the decision made by a lower court.

appellate courts — Also known as courts of appeals, courts that review the decisions made by a lower court that have been appealed. The United States is divided into multiple judicial circuits, each with an appellate court.

Chief Justice of the United States — The leader of the U. S. Supreme Court.

impeachment — A formal charge brought against a public official by the House of Representatives. The official is then tried in the Senate, and if convicted, removed from office.

Pre-viewing Discussion

- Encourage students to brainstorm a list of all the information they already possess about the judicial branch of U.S. government. What do they think are the responsibilities of this branch?
- See if the class understands the distinction between the state and federal court systems. Discuss with them why the framers of the U.S. Constitution might have wished to divide power between the federal and state governments.
- The judicial branch isn't the only branch of American government. Discuss with students the roles of other branches of government, and how these branches interact.
- Ask students to offer a definition of the word "justice." Why is it important for the U.S. judicial system to be based on the concept of justice? Why is it important that citizens have confidence in this system?

Focus Questions

1. What is the highest court in the U.S. judicial system?
2. What does it mean to say that the United States is a "nation built on laws"?
3. Why might the idea of "equal justice under law" be regarded as the cornerstone of United States government?
4. What does the rule of law mean?
5. What does each branch of American government do? *(Continued)*

6. Why were the powers of government separated by the Constitution's framers?
7. What is the system of checks and balances, and why was it put in place?
8. Why was the case of Marbury v. Madison (1803) important in U.S. history?
9. What does judicial review mean? Why is it significant?
10. What is the difference between the state and federal court systems, and how do they operate?
11. What does jurisdiction mean?
12. What is the difference between criminal and civil cases?
13. How is the U.S. Supreme Court organized, and what does it do?
14. Why is the case of Tinker v. Des Moines Independent Community School District (1969) significant for students?

Follow-up Discussion

- America's judiciary is represented by a blindfolded "Lady Justice." Discuss with students what this representation means. Why do students think Justice is blindfolded? What does this image have to do with the independence of the judiciary? Why is this independence important? How is it maintained?
- In the famous court case, Tinker v. Des Moines, the Supreme Court found that it was unconstitutional for students to be suspended because they wore black armbands to school. Justice Hugo Black disagreed and said in his dissent that nothing in the Constitution compels officials "to surrender control of the American public school system to public school students." Do students think that he was right in this case? Why or why not?
- Discuss the various methods of constitutional interpretation. Do students feel that the Constitution should be interpreted literally, that the intent of the framers should take precedence or that the interpretation should change to suit the times? Students should provide reasoning for their answers.

Follow-up Activities

- Divide the class into groups and assign each group a significant U.S. Supreme Court case about which they are to do an in-depth report. Some examples of influential cases are as follows: McCulloch v. Maryland (1819), Dred Scott v. Sanford (1857), Brown v. Board of Education (1954) or Miranda v. Arizona (1966). After completing the research phase, each group should report on its findings to the rest of the class. Ask each group to summarize and evaluate the majority opinion given in each case. A class discussion can then be conducted to address the significance of each of the cases. *(Continued)*