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# United States GOVERNMENT

Democracy In Action



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Richard C. Remy, Ph.D.

## Chapter 11

### The Federal Court System

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PROJECT

## Chapter Focus

**Section 1** Powers of the  
Federal Courts

**Section 2** Lower Federal Courts

**Section 3** The Supreme Court

## Chapter Assessment

HELP

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# Chapter 11

# Chapter Focus

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## Chapter Objectives

- **Powers of the Federal Courts** Compare the jurisdiction of federal and state courts and describe the growth of the Supreme Court.
- **Lower Federal Courts** Explain the jurisdiction of constitutional and legislative courts and the method of selecting federal judges.
- **The Supreme Court** Describe the jurisdiction of the Supreme Court, the duties of its justices, and the way its justices are selected.



# **End of the Chapter Focus**

**Click the mouse button to return to the Chapter Menu.**



# Powers of the Federal Courts

## Key Terms

concurrent jurisdiction, original jurisdiction, appellate jurisdiction, litigant, due process clause

## Find Out

- How does federal court jurisdiction differ from state court jurisdiction?
- How do Supreme Court decisions reflect the attempts of the justices to meet changing social conditions?



# Powers of the Federal Courts

## Understanding Concepts

**Constitutional Interpretations** How has the Supreme Court historically increased its power?

## Section Objective

Compare the jurisdiction of federal and state courts and describe the growth of the Supreme Court.



Daily Lecture Notes  
**Did you know?**



By the twentieth century, the Supreme Court had become so powerful that Chief Justice Charles Evans Hughes once boasted: “We are under a Constitution, but the Constitution is what the judges say it is.” Justice Hughes served on the Court from 1930 to 1941; during that time the justices did, in fact, strike down many New Deal measures as unconstitutional.





## I. Jurisdiction of the Courts (pages 305–307)

**A.** The United States has a dual court system of state and federal courts.

**B.** State courts have jurisdiction over cases involving state laws.

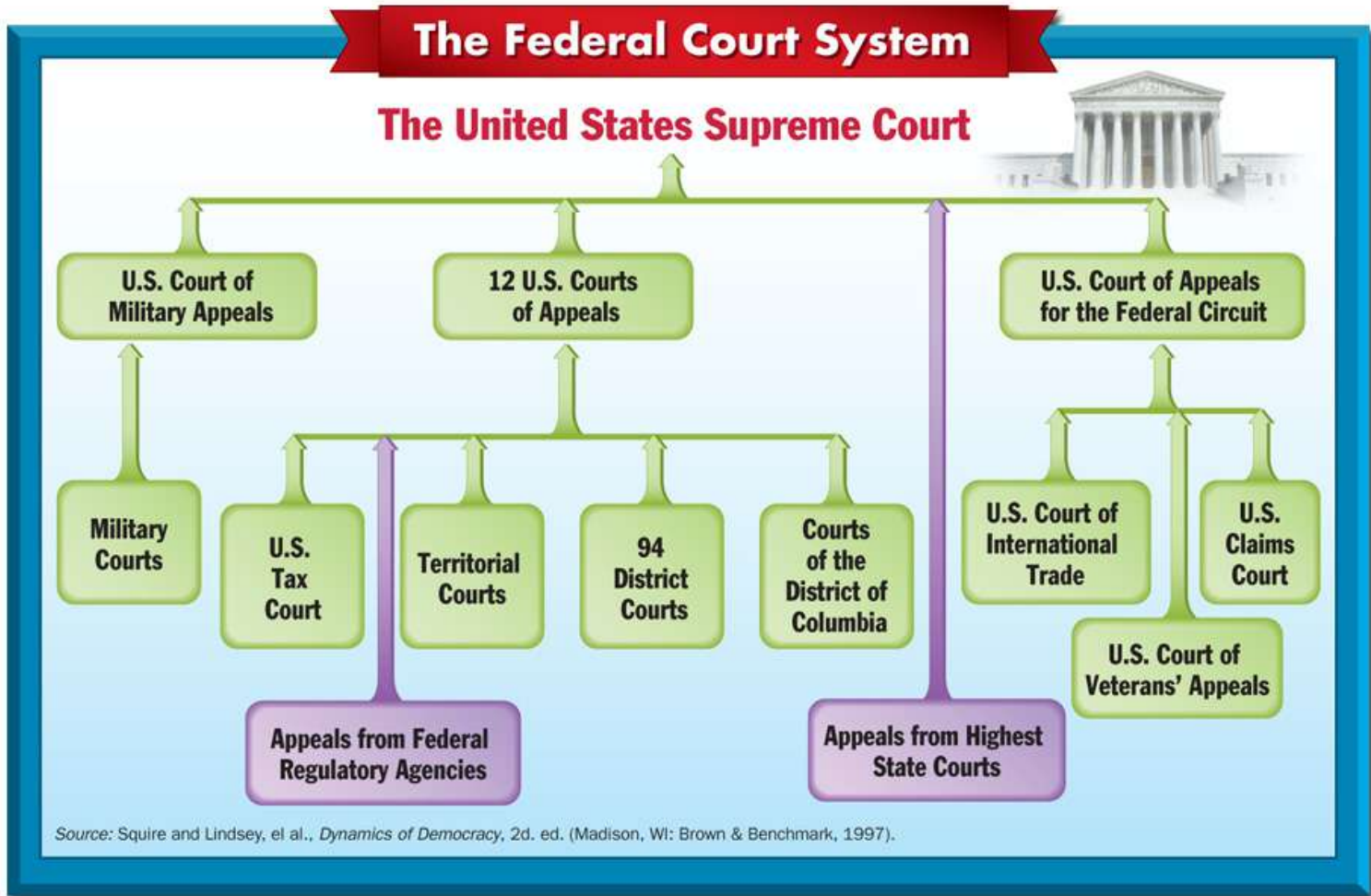
**C.** Federal courts have jurisdiction over cases involving United States laws, foreign treaties, and the interpretation of the Constitution.

**D.** In some cases, federal and state courts have **concurrent jurisdiction**.

**E.** In the federal court system, trial courts are district courts that have **original jurisdiction**; federal courts of appeals have only **appellate jurisdiction**, or authority to hear cases appealed from district courts.



# I. Jurisdiction of the Courts (pages 305-307)



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TIME For the Record

## I. Jurisdiction of the Courts (pages 305–307)

### Discussion Question

**Compare the jurisdictions of state courts and federal courts.**

State courts have jurisdiction over cases involving state laws; federal courts over federal laws.



## II. Developing Supreme Court Power

(pages 307–308)

- A.** The Supreme Court has become the most powerful court in the world; its power developed from custom, usage, and history.
- B.** No federal court, including the Supreme Court, may initiate action.
- C.** Federal courts only determine cases; they never simply answer a legal question.
- D.** Chief Justice Marshall's ruling in *Marbury v. Madison* (1803) gave the Court power to review acts of Congress, or judicial review.



## II. Developing Supreme Court Power

(pages 307–308)

**E.** Marshall broadened federal power at the expense of the states.

**F.** Justice Taney emphasized the rights of states and those of citizens.



## II. Developing Supreme Court Power

### Discussion Question

**Do you think the power of judicial review is more or less important today than it was during John Marshall's time? Explain your reasoning.**

Answers will vary. Judicial review has expanded since Marshall's time. Students may believe that judicial review is more important than ever because laws are more numerous and more complex.



## III. Due Process and Regulatory Power

(pages 308–310)

**A.** The Supreme Court's rulings on the Reconstruction Amendments eventually applied these amendments to economic policy.

**B.** In *Plessy v. Ferguson* (1896), the Court established the “separate but equal” precedent.

**C.** In the *Granger* cases (1870s), the Court held that a state had the power to regulate railroads and other private property.



### III. Due Process and Regulatory Power

(pages 308–310)

**D.** After President Franklin D. Roosevelt's Court-packing scheme of 1937 failed, the justices began to uphold laws regulating businesses.

**E.** Under Chief Justice Earl Warren, the Supreme Court emerged as a major force in protecting civil rights, beginning with *Brown v. Board of Education of Topeka* (1954).





## III. Due Process and Regulatory Power

### Discussion Question

How do you think the course of United States history might have been changed if the Court had ruled the opposite way in *Plessy v. Ferguson*?

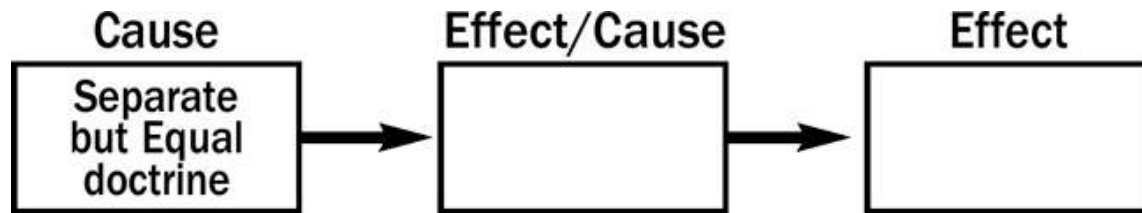
Answers will vary. Perhaps integration would have happened sooner.



Section 1 Assessment

## Checking for Understanding

**1. Main Idea** Use a graphic organizer like the one below to show how the Supreme Court extended civil liberties in the 1950s and 1960s.



**Effect/Cause:** *Brown v. Board of Education of Topeka, KS*

**Effect:** Outlawed segregation in public schools



Section 1 Assessment

## Checking for Understanding

Match the term with the correct definition.

- D \_\_\_ concurrent jurisdiction
- B \_\_\_ original jurisdiction
- E \_\_\_ appellate jurisdiction
- C \_\_\_ litigant
- A \_\_\_ due process clause

- A. states that no states may deprive a person of life, liberty, or property without due process of law
- B. the authority of a trial court to be first to hear a case
- C. a person engaged in a lawsuit
- D. authority shared by both federal and state courts
- E. authority held by a court to hear a case that is appealed from lower court



Section 1 Assessment

## Checking for Understanding

**3. Identify** *Marbury v. Madison*, judicial review, “separate but equal” doctrine.

***Marbury v. Madison*** is the Supreme Court case that established judicial review.

**Judicial review** is the Supreme Court’s power to review acts of Congress.

The “**separate but equal**” doctrine evolved from the Supreme Court’s *Plessy v. Ferguson* which held that if facilities for both races were equal, they could be separate.



Section 1 Assessment

## Checking for Understanding

4. Identify the different jurisdictions of federal and state courts.

State courts have jurisdiction over state laws; federal courts over U.S. laws, treaties, the Constitution, bankruptcy, and maritime laws.



Section 1 Assessment

## Checking for Understanding

5. What doctrine was established by the ruling in *Plessy v. Ferguson*?

The “separate but equal” doctrine, which held that if facilities for both races were equal, they could be separate, was established by this ruling.



Section 1 Assessment

## Critical Thinking

**6. Identifying Alternatives** What choice of jurisdiction would be available to a person who was being sued by a citizen of another state for damages of at least \$75,000?

The person being sued could choose to have the case tried in the state court or in a federal court.



Section 1 Assessment



**Constitutional Interpretations** Choose one of the cases discussed in Section 1 or another case that contributed to the development of the power of the Supreme Court. Research the details of the case, including the background, the ruling, and the reasons for the ruling. Write a newspaper article or tape a news broadcast announcing the effects of the ruling.





# **End of the Section**

**Click the mouse button to return to the Chapter Menu.**



## Lower Federal Courts

### Key Terms

grand jury, indictment, petit jury, judicial circuit, senatorial courtesy

### Find Out

- How do constitutional courts and legislative courts differ in their jurisdiction?
- How are federal court justices chosen?



## Lower Federal Courts

### Understanding Concepts

**Political Processes** If federal judges are shielded from direct political influence, why do presidents try to appoint judges who share their views?

### Section Objective

Explain the jurisdiction of constitutional and legislative courts and the method of selecting federal judges.



Daily Lecture Notes  
**Did you know?**



Although presidents have the authority to select federal judges, Congress can block those selections. After his reelection in 1996, President Clinton had the authority to fill more than half of all federal district court and appeals court posts with his choices. The chairperson of the Senate Judiciary Subcommittee on Administrative Oversight and the Court, however, blocked action on confirming 92 judges Clinton had earlier nominated and held only a few hearings on many



## I. Constitutional Courts (pages 312–314)

**A.** The federal district courts were created by Congress as trial courts for both civil and criminal cases.

**B.** In criminal cases, there are two types of juries: a **grand jury**, which hears charges against a person accused of a crime, and a **petit jury**, or trial jury, which weighs the evidence presented at trial.

**C.** District courts carry the main burden in federal cases.

**D.** In the vast majority of cases, district courts render the final decision.

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## I. Constitutional Courts (pages 312–314)

**E.** Many appointed officials provide services for district courts.

**F.** The 13 courts of appeals ease the appellate workload of the Supreme Court.

**G.** The courts of appeals may decide to uphold the original decision, reverse the decision, or send the case back to the original court to be tried again.

**H.** The Court of International Trade hears cases dealing with tariffs.



# I. Constitutional Courts (pages 312–314)

## Federal Judicial Circuits and Districts



Source: Federal Judicial Center, [www.fjc.gov](http://www.fjc.gov).

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# I. Constitutional Courts (pages 312–314)

## Discussion Question

**Compare the duties of a grand jury with those of a petit jury.**

A grand jury determines whether there is sufficient evidence for a trial; a petit jury decides guilt or innocence.





## II. Legislative Courts (pages 314–316)

**A.** Congress has created a series of legislative courts to help Congress exercise its powers.

**B.** The legislative courts established by Congress include the U.S. Court of Federal Claims, the United States Tax Court, the U.S. Court of Appeals for the Armed Forces, territorial courts, courts of the District of Columbia, the Court of Veterans' Appeals, and the Foreign Intelligence Surveillance Court.



## II. Legislative Courts (pages 314–316)

### Discussion Question

**What kinds of cases would a U.S. Tax Court hear?**

Cases in which citizens disagree with IRS or Treasury Department rulings.



### III. Selection of Federal Judges (pages 316–317)

**A.** According to the Constitution, the president has the power to appoint all federal judges, with the approval of the Senate.

**B.** Presidents often appoint judges from their own political party.

**C.** Presidents often appoint judges who share their own points of view on key issues.



### III. Selection of Federal Judges (pages 316–317)

**D.** In selecting judges for trial courts, presidents follow the practice of **senatorial courtesy**.

**E.** Almost all federal judges have had legal training; many have served as state court judges.

**F.** Women and minorities have been appointed as judges in federal courts in increasing numbers since the mid-1970s.

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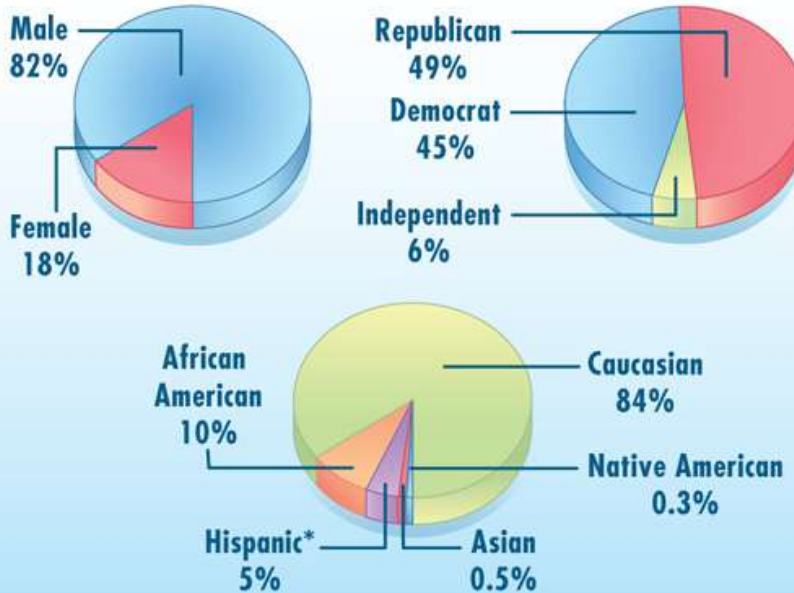
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# III. Selection of Federal Judges (pages 316–317)

## Profile of the Federal Judicial Branch



### Number of Judicial Positions

Chief Justice of the United States	1
Associate Justices of the Supreme Court	8
U.S. Circuit Judges	179
U.S. District Judges	649
U.S. Court of International Trade Judges	9
U.S. Court of Federal Claims Judges	16
U.S. Tax Court Judges	19

\* Hispanics can be of any race.

**Note:** Data for gender, political party, and ethnicity are based on U.S. Court of Appeals and U.S. District Court judgeship appointments from 1977–2000. Total may not add up to 100% due to rounding.

*Source: Sourcebook of Criminal Justice Statistics* (Washington, D.C.: Government Printing Office, 2002)

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## III. Selection of Federal Judges (pages 316–317)

### Discussion Question

**Do you support or oppose lifetime tenure for federal judges? Explain.**

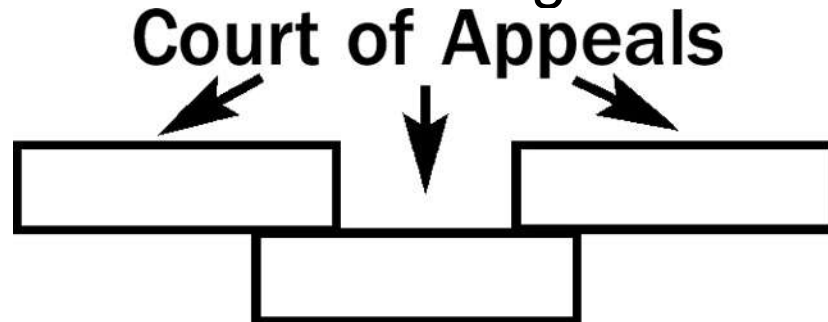
Answers will vary. Students should support their opinions.



Section 2 Assessment

## Checking for Understanding

**1. Main Idea** Use a graphic organizer like the one shown to identify the three options a court of appeals has when deciding a case.



uphold the original decision, reverse the decision, send the case back to the lower court



Section 2 Assessment

## Checking for Understanding

Match the term with the correct definition.

- B \_\_\_ grand jury
- D \_\_\_ indictment
- A \_\_\_ petit jury
- E \_\_\_ judicial circuit
- C \_\_\_ senatorial  
courtesy

- A. a trial jury that weighs the evidence presented at a trial and renders a verdict
- B. group that hears charges against a suspect and decides whether there is sufficient evidence to bring the person to trial
- C. a system in which a president submits a name of a candidate for judicial appointment to the senators from the candidate's state before formally submitting it for full Senate approval
- D. a formal charge by a grand jury
- E. a region containing a United States appellate court





Section 2 Assessment

## Checking for Understanding

**3. Identify** United States Circuit Court of Appeals for the Federal Circuit.

The **United States Circuit Court of Appeals for the Federal Circuit** is a special court of appeals that hears cases from a federal claims court, the Court of International Trade, the United States Patent Office, and other executive agencies.



Section 2 Assessment

## Checking for Understanding

4. What two major divisions of federal courts has Congress created?  
It has created constitutional courts and legislative courts.



Section 2 Assessment

## Checking for Understanding

5. In what two ways do political parties influence the federal court system?

Presidents choose mainly members of their own party for judges; when one party controls the presidency and Congress, Congress often increases the number of judgeships.



Section 2 Assessment

## Critical Thinking

**6. Demonstrating Reasoned Judgment** A judge who shares a president's views when first appointed may change views when making decisions on the bench. Why? People's views do sometimes change over time, and since justices are appointed for life, they often have plenty of time to change their opinions. Also, because of their lifetime tenure, judges enjoy independence from political pressures.



Section 2 Assessment



**Political Processes** Review the criteria used by presidents to appoint federal judges. Develop any additional criteria that you think should be used for nominating judges. Prepare the criteria in the form of a checklist.



# **End of the Section**

**Click the mouse button to return to the Chapter Menu.**



# The Supreme Court

## Key Terms

riding the circuit, opinion

## Find Out

- Why does the Supreme Court hear very few cases under its original jurisdiction?
- What political influences affect the selection of Supreme Court justices?



# The Supreme Court

## Understanding Concepts

**Checks and Balances** Why are persons who are nominated as Supreme Court justices subject to close scrutiny?

## Section Objective

Describe the jurisdiction of the Supreme Court, the duties of its justices, and the way its justices are selected.





Daily Lecture Notes  
**Did you know?**



Only one person has held the two highest offices in the land, serving as president of the United States and later as chief justice of the Supreme Court. William Howard Taft served as twenty-seventh president of the United States from 1908 to 1913; President Warren G. Harding later appointed Taft chief justice of the Supreme Court, a position he held from 1921 until his death in 1930.

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## I. Supreme Court Jurisdiction (page 321)

**A.** The Supreme Court has both appellate and original jurisdiction.

**B.** The Court has original jurisdiction over two types of cases: those involving representatives of foreign governments, and those in which a state is a party.

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# I. Supreme Court Jurisdiction (page 321)

## Discussion Question

**How much of the Supreme Court's workload consists of original jurisdiction cases?**

Very little—the Court averages fewer than five original jurisdiction cases a year.

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## II. Supreme Court Justices (pages 321–323)

- A.** Congress sets the number of Supreme Court justices. It has been nine since 1869.
- B.** The Court consists of eight associate justices and one chief justice.
- C.** Congress sets the salary of the justices and may not reduce it.
- D.** Congress may remove justices by impeachment for treason, bribery, or other high crimes and misdemeanors.
- E.** The justices' duties are not defined in the Constitution but have evolved from laws and through tradition, according to the needs of the nation.



## II. Supreme Court Justices (pages 321–323)

**F.** The justices' main duty is to hear and rule on cases.

**G.** The chief justice also provides leadership for the Court, presiding over sessions and conferences at which cases are discussed among the justices.

**H.** The justices also have limited duties related to the 12 federal judicial circuits; on occasion they may serve on high-level commissions.

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## II. Supreme Court Justices (pages 321–323)

I. Law clerks chosen by the justices help them research cases, summarize key issues in cases, and assist in writing drafts of justices' **opinions**.

J. Most justices have been federal or state judges or have held other legal positions such as attorney general; most have considerable legal experience, are in their 50s or 60s, and come from upper socioeconomic levels.

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## II. Supreme Court Justices (pages 321–323)

### Discussion Question

The Supreme Court today is more representative of the general population than it has been in the past. Do you think this is a positive trend? Explain.

Answers will vary. Those who support “positive” should suggest to what degree the Court should be representative.

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### III. Appointing Justices (pages 323–326)

**A.** Justices are appointed by the president and must be approved by the Senate; in the twentieth century most nominees were confirmed.

**B.** Political considerations often play a major part in presidential appointments to the Court. Members of the presidents' own party usually are named if their prospects of winning Senate approval are good.

**C.** The American Bar Association, a national organization in the legal profession, has played an important role in the selection of justices by rating nominees' qualifications.





### III. Appointing Justices (pages 323–326)

**D.** Interest groups such as organized labor, civil rights groups, and the National Organization for Women attempt to influence Senators' voting on nominated justices.

**E.** Sitting Supreme Court justices may have considerable influence in the selection of new justices.

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## III. Appointing Justices (pages 323–326)

### Discussion Question

**Would you rather have justices who are essentially impartial in their judgments or who share your own political attitudes appointed to the Supreme Court? Explain.**

Answers will vary. Students should support their answers logically.



Section 3 Assessment

## Checking for Understanding

**1. Main Idea** Use a graphic organizer like the one below to identify two kinds of cases where the Supreme Court has original jurisdiction and two kinds that may be appealed from a state court.

Original	Appeal

**original jurisdiction:** cases involving representatives of foreign governments or in which a state is a party

**appeals from state courts:** involving claims under federal law or the Constitution.



Section 3 Assessment

## Checking for Understanding

**2. Define** riding the circuit, opinion.

**Riding the circuit** means traveling to hold court in a justice's assigned region of the country.

**Opinion** refers to a written explanation of a Supreme Court decision; also, in some states, a written interpretation of a state constitution or state laws by the state's attorney general.



Section 3 Assessment

## Checking for Understanding

**3. Identify** Earl Warren, ABA, NOW.

**Earl Warren** was a chief justice of the Supreme Court who headed a special commission that investigated the assassination of President Kennedy.

The **ABA**, or American Bar Association, is the largest national organization of attorneys.

**NOW**, or the National Organization for Women, is a group that advocates for women's rights.



Section 3 Assessment

## Checking for Understanding

4. Under what conditions may a case be appealed from a state court to the Supreme Court?  
A case may be appealed if claims involve federal law or the Constitution.



Section 3 Assessment

## Checking for Understanding

5. In your opinion, should politics influence the selection of Supreme Court justices? Explain. Answers will vary. Students should note that political considerations are inherent in the current selection process.



Section 3 Assessment

## Critical Thinking

**6. Understanding Cause and Effect** Supreme Court justices have often been active in the selection of new justices. Do you think this is appropriate? Explain your answer.  
*Answers will vary, but students might indicate that such a situation may lessen the impact of checks and balances.*





Section 3 Assessment



**Checks and Balances** With a partner, prepare an imaginary interview with a Supreme Court justice. The interview should provide your audience with a biographical sketch of the justice, including information about the person's place of birth, education, and work prior to being appointed.



# **End of the Section**

**Click the mouse button to return to the Chapter Menu.**



# Chapter Summary

## Lower Federal Courts

### Constitutional courts

- Established by Congress under the provisions of Article III of the Constitution
- Include federal district courts, federal courts of appeals, and United States Court of International Trade

### Legislative courts

- Created by Congress under provisions in Article I of the Constitution to help Congress carry out its powers
- Include United States Tax Court, U.S. Court of Appeals for the Armed Forces, Court of Veterans' Appeals, and others

## The Supreme Court

- Original jurisdiction in cases involving representatives of foreign countries and certain cases in which a state is a party
- Appellate jurisdiction in cases that are appealed from lower courts of appeals or from a state's highest court, as well as certain cases from federal district courts in which an act of Congress was held unconstitutional
- Justices appointed by president with Senate approval

## Development of Supreme Court Power

- 1801–1883: Marshall Court extended power of Supreme Court and strengthened federal power over the states
- 1803: *Marbury v. Madison* established power of judicial review
- 1953–1969: Warren Court adopted a more liberal view on civil rights and public-policy issues



## Reviewing Key Terms

Match the term with the correct definition.

D \_\_\_ grand jury

B \_\_\_ indictment

F \_\_\_ petit jury

E \_\_\_ litigant

C \_\_\_ riding the

A circuit

\_\_\_ concurrent

G jurisdiction

\_\_\_ appellate

jurisdiction

A. authority shared by both federal and state courts

B. a formal charge by a grand jury

C. traveling to hold court in a justice's assigned region of the country

D. group that hears charges against a suspect and decides whether there is sufficient evidence to bring the person to trial

E. a person engaged in a lawsuit

F. a trial jury that weighs the evidence presented at a trial and renders a verdict

G. authority held by a court to hear a case that is appealed from the lower courts



## Recalling Facts

1. What are the two systems of courts in the United States?

The two systems are federal courts and state courts.

2. What principle resulted from the ruling in *Marbury v. Madison*?

The principle of judicial review—the power to review acts of Congress, executive actions, and state laws against the Constitution to see what might violate constitutional provisions—resulted from the ruling.



## Recalling Facts

3. What are the duties of a grand jury in a criminal case?

The grand jury hears charges against a person suspected of having committed a crime, decides whether there is sufficient evidence, and, if so, issues an indictment.

4. What kinds of cases are heard by the Court of International Trade?

Cases dealing with tariffs are heard by the Court of International Trade.



## Recalling Facts

5. Why do federal judges serve for life?

A life term permits judges to be free from all political pressures in deciding cases.

6. Describe the three decision-making tasks of a Supreme Court justice.

The three tasks are deciding which cases to hear, deciding individual cases, and determining an explanation for the decision of the Court.



## Recalling Facts

7. What are three duties of the chief justice of the United States?

Duties of the chief justice of the United States include hearing and ruling on cases, presiding over public sessions of the Court, exercising leadership in judicial work of the Court, and administering the federal court system.

8. What is the difference between courts with original jurisdiction and courts with appellate jurisdiction?

The court in which a case is originally tried has original jurisdiction. A court that hears an appeal of a trial court ruling has appellate jurisdiction.





## Understanding Concepts

**1. Constitutional Interpretations** If the issue is whether a person's civil rights had been violated in a court decision, through what levels of courts might that person appeal?

The levels of courts for an appeal are the federal district court, federal courts of appeals, and Supreme Court.



## Understanding Concepts

**2. Political Processes** Federal district judges generally represent the values and attitudes of the states that they serve. How can a president assure that an appointee meets this criterion? The president first submits the candidate's name to the senators from the candidate's state in a practice called senatorial courtesy.



## Understanding Concepts

**3. Checks and Balances** When the Supreme Court rules on an appeal from a state court, what restriction applies to the Court's ruling? The Court may rule only on the issue involving the Constitution or a federal law. The Court cannot rule on a state law.



## Critical Thinking

**1. Identifying Alternatives** Use a graphic organizer like the one below to identify two alternative solutions for the high case load of the Supreme Court. Explain why you would choose one and not the other.

Alternative 1	Alternative 2

**Alternative 1:** Hire more clerks to do everyday tasks. This would give the justices more time to make important decisions

**Alternative 2:** Limit the number of cases. This may limit the court's influence and be unfair to many applicants.



## Critical Thinking

**2.Synthesizing Information** What factors determine whether a case will be tried in a state court or a federal court? subject matter of a case and the parties involved; examples might include: subject—interpretation of Constitution, a federal law, a treaty with a foreign nation; parties—foreign ambassadors, two or more state governments, citizens of different states



## Interpreting Political Cartoons Activity



1. What occurrence is this cartoon calling attention to?  
It is calling attention to the appointment of Sandra Day O'Connor to the Supreme Court—the first woman appointed to the Court.

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## Interpreting Political Cartoons Activity



2. Does the cartoonist comment on the qualities or experience of the justice?

No, the cartoonist points out only the gender of the new justice.

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## Interpreting Political Cartoons Activity



3. How does the cartoonist feel about this event? The cartoonist implies that it is about time that a segment of the U.S. population (women) is represented in the highest court in the land.

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# Chapter Bonus Test Question

Who was the only chief justice to have been impeached by the House, but acquitted by the Senate?

Samuel Chase in 1804

# **End of the Section**

**Click the mouse button to return to the Chapter Menu.**



## Powers of the Federal Court System

1 Why do you think the federal courts hear cases involving more than one state?

2 Would state or federal courts hear cases involving a Canadian tourist and a Michigan department store? Why?

3 Which power of the Supreme Court do you think is the most important?

### POWERS OF THE FEDERAL COURT SYSTEM

#### Federal courts handle cases that involve:

- federal law
- treaties with foreign nations
- bankruptcy
- admiralty or maritime law
- foreign diplomats or foreign governments
- two or more state governments
- the United States government
- citizens of different states
- a state and a citizen of a different state
- land grant claims of different states

#### The Supreme Court has the power to:

- interpret the Constitution
- determine the constitutionality of state laws
- uphold regulatory laws
- protect civil liberties
- influence public policy

1) None of the states could claim jurisdiction or power over other states.

2) Federal courts; because both parties in the case are not citizens of a single state.

3) Answers will vary.



### United States Courts of Appeals

1 About how many times more cases commenced in 2000 than in 1960?

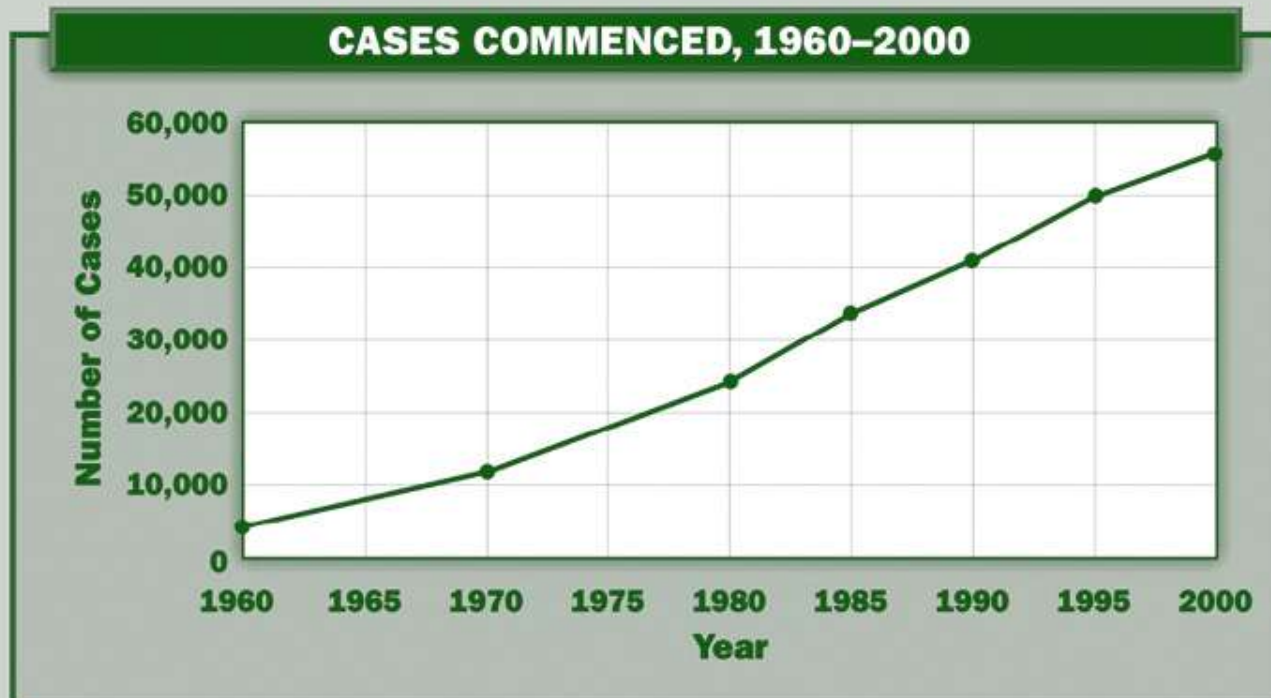
1) about 11 times as many

2 Do these courts hear original cases, cases from lower courts, or both?

2) They hear cases appealed from lower courts and rulings from regulatory agencies.

3 Can you conclude from this graph that the caseloads of lower courts increased elevenfold in the same period of time?

**CASES COMMENCED, 1960-2000**



3) No; because the number of cases in the lower courts might not have grown at the same rate as the number of cases appealed



## Home States of Supreme Court Justices

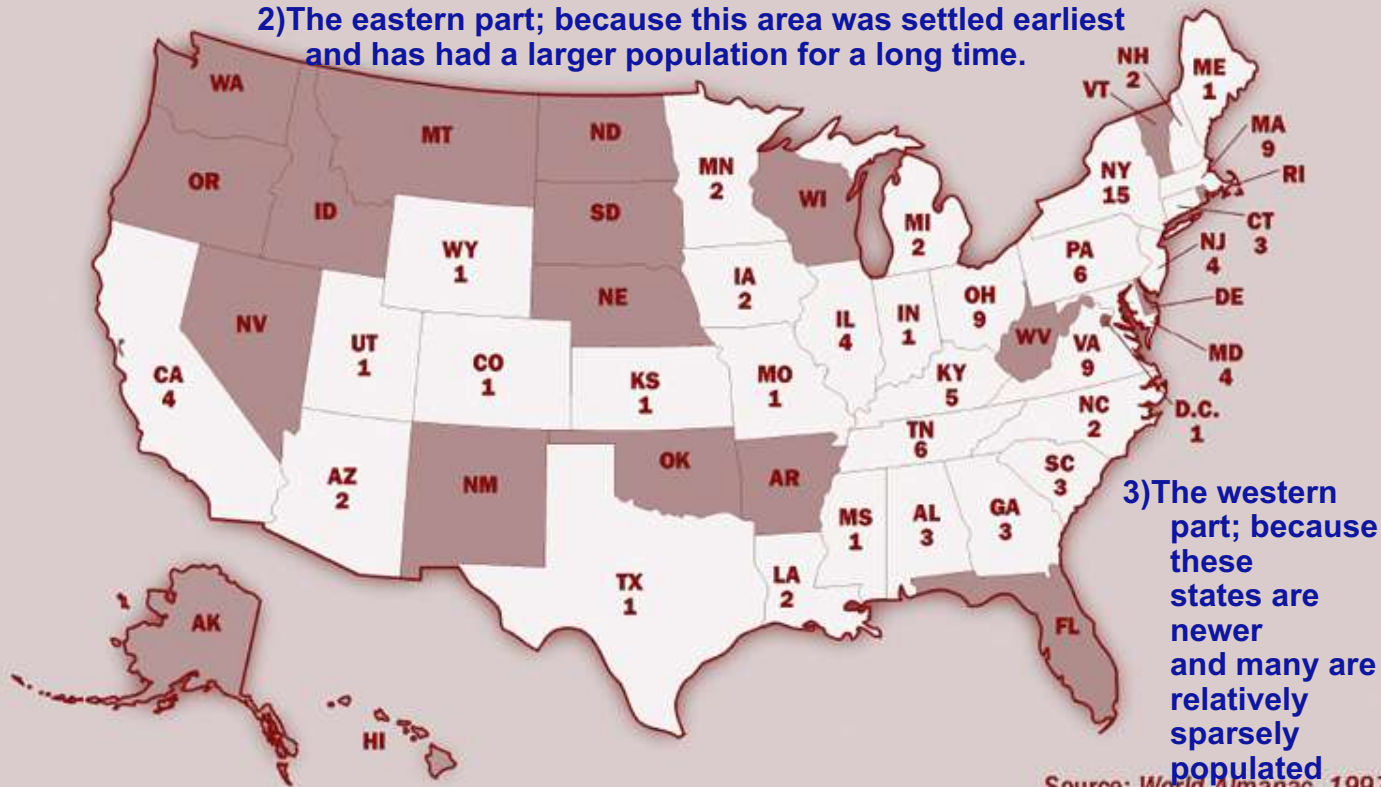
**1** What four states rank highest in the number of Supreme Court justices?

1) NY, MA, OH, and VA

**2** From what part of the United States have most of the justices come? Why do you think this is so?

**3** In what part of the United States are the greatest number of states with no justices? Why do you think this is so?

### NUMBER OF JUSTICES FROM EACH STATE

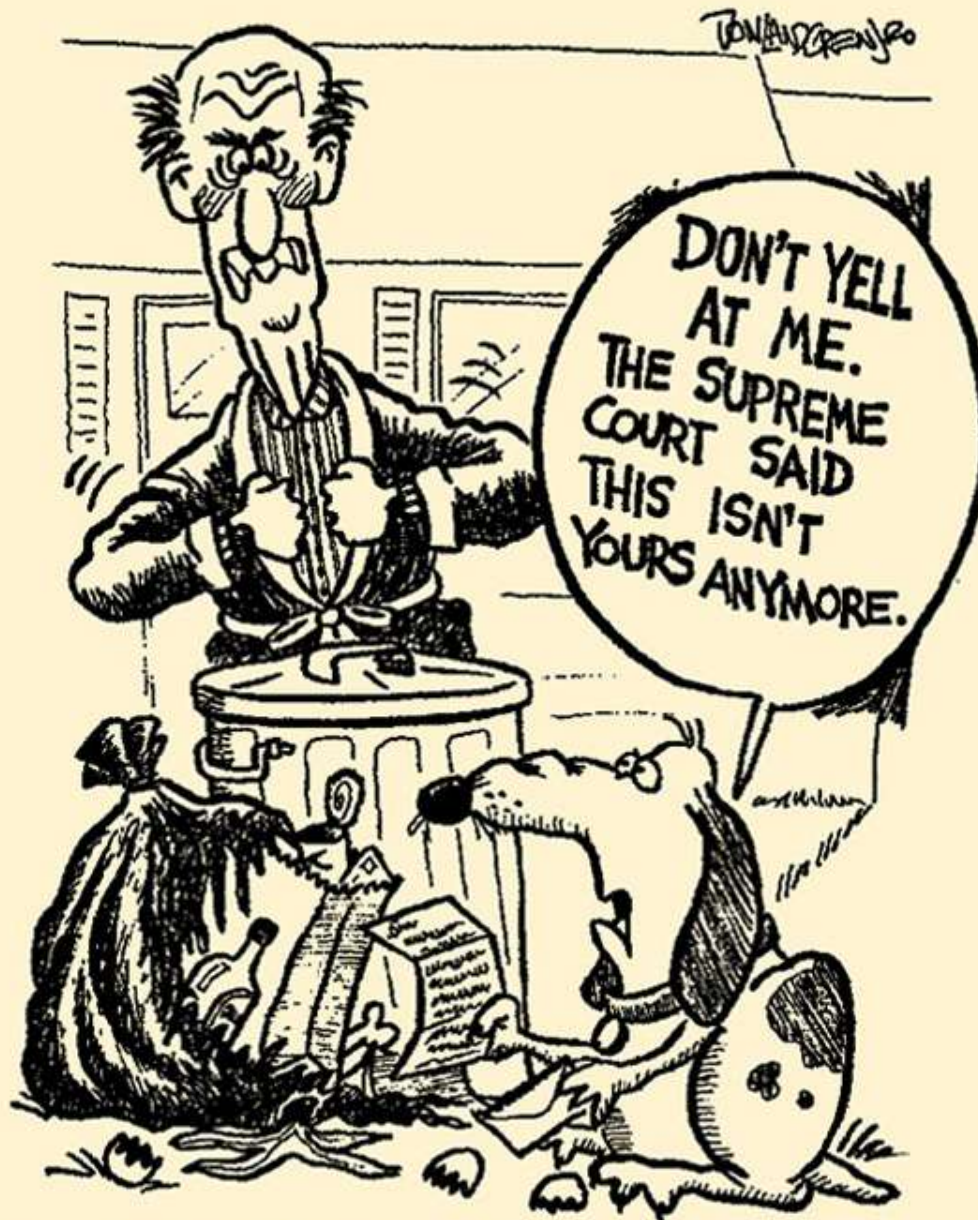


2) The eastern part; because this area was settled earliest and has had a larger population for a long time.

3) The western part; because these states are newer and many are relatively sparsely populated

Source: World Almanac, 1997





Source: Cartoon by Don Landgren, *Worcester Sunday Telegram*. Reprinted with permission.





**Hammurabi's Code** One of the world's earliest codes of laws was that of the Babylonian king Hammurabi. To govern the various peoples in his empire, he set up a uniform code of laws, which he had inscribed on a stone pillar, or *stella*. You might find it interesting to learn about these laws, some of which include punishments that may seem primitive by today's standards. Although the code applied to all citizens, it contained double standards between upper- and lower-class people and between men and women. For example, a woman was permitted to leave an adulterous husband, but an adulterous wife could be drowned. Choose five laws and punishments from Hammurabi's Code and present them in a chart that compares them with United States law today.



## COVER STORY

## Marshall Is Chief Justice

WASHINGTON, D.C., JANUARY 20, 1801

President John Adams surprised fellow Federalists by nominating Secretary of State John Marshall for chief justice of the United States. Quick Senate confirmation is likely. The nomination follows John Jay's refusal to be renominated, reportedly because he views the Supreme Court as having too little power. Marshall is thought to favor strengthening the Court and the federal government. Some believe these views could cause conflict between the new chief justice and the probable new president, Marshall's cousin Thomas Jefferson.



John Marshall





## COVER STORY

## E-Mail Must Be Kept

WASHINGTON, D.C., JANUARY 19, 1989

District Court judge Barrington Parker has temporarily blocked the purging of the White House's e-mail system. Just hours before the Reagan administration was to erase eight years of staff computer messages, the judge intervened. In a courtroom exchange, acting Attorney General John Bolton likened deleting e-mail to outgoing officials cleaning out their desks before tomorrow's inauguration of President George H.W. Bush. The National Security Archive, a government watchdog group, said that the messages are public documents and are covered under federal records preservation laws. A hearing will determine if e-mail should be treated like other government records.



**The National Security  
Archive logo**



## COVER STORY

## Holmes Dies

WASHINGTON, D.C., MARCH 6, 1935

Oliver Wendell Holmes, Jr., who served as an associate justice on the Supreme Court for 29 years, died at his home of pneumonia very early this morning. Appointed in 1902 by Theodore Roosevelt, Holmes wrote 873 opinions for the Court—more than any other justice. Perhaps his most famous opinion was his dissent in *Lochner v. New York* (1905), in which he supported the state's right to limit the labor of bakery workers to ten hours per day. His opinion for a unanimous court in *Schenck v. United States* (1919) established the “clear and present danger” standard in free speech cases. Holmes, son of the well-known author of the same name, will be remembered for the unique beauty and power of his written opinions.

**Oliver Wendell  
Holmes, Jr.**



**Circuit Courts** Before 1891, when Congress created circuit courts of appeals, each Supreme Court justice traveled to a specific region of the nation to hear appeals from the federal district courts. Officially renamed courts of appeals in 1948, these appellate courts are often still called circuit courts. Although they have their own federal judges, a Supreme Court justice remains assigned to each court of appeals.





## Battling Bork

President Ronald Reagan's nomination of Robert Bork to the Supreme Court in 1987 proved very contentious. A well-known judge and legal scholar, Bork was easily qualified to serve—the American Bar Association gave him its highest rating. However, Bork's narrow, conservative interpretation of the Constitution promised to affect his ruling on such issues as abortion and civil rights. Confirmation hearings were delayed by Democrats long enough to allow liberal groups to lobby against Bork. After 12 days of Senate hearings, the Senate rejected his nomination by a vote of 58 to 42, splitting primarily along party lines.





**Composition of the Court** Debate the question of whether the composition of the Supreme Court should represent the composition of the United States in terms of ethnicity, geography, and gender. Before debating the issue, list at least two arguments in support of your position. Then meet in groups to combine your lists and choose the strongest arguments.



*P*articipating  
IN GOVERNMENT

**Qualifications of Federal Judges** Brainstorm a list of qualifications that the ideal federal judge might possess. Critique the list and pare it down to a reasonable number of attributes. Discuss why qualifications are important. Make a preliminary phone call to one of the judges in the community asking that he/she share his/her opinions on the most important qualifications for selection as a federal judge. Compare the judge's list to that made by the class. Extend the activity by listing qualifications for local judges.



 CURRICULUM  
CONNECTION

**Law** In the United States and other countries whose legal systems are based on English common law, an accused person is presumed innocent until proven guilty. In countries whose legal systems are based on Roman law, an accused person is presumed guilty. The principle of presumed innocence balances the rights of the accused and the accuser. On the accuser's side stand law enforcement officials, the court system, and law-abiding citizens. The accused stands alone but, if presumed innocent, has equal rights under the law.



## Renée Askins

Biologists monitoring wildlife in Yellowstone have found that the park's canine hierarchy is changing. Since their reintroduction wolves have accounted for scores of coyote deaths. Specialists expect both wolves and coyotes will survive, but no one knows how a reduced coyote population will affect the park's ecosystem.

**Activity:** For information on efforts to exterminate coyotes, refer to the May/June 1999, issue of *Audubon*. Analyze the effects of government policies on Yellowstone.







**More About Serving on a Jury** In some states, jurors serve for a given length of time and must report to the courthouse each day until that time is up or until they have been chosen for a jury. In some states, jurors who are not chosen on the first day are dismissed and do not have to report to the courthouse again. States generally set a limit on how often people may be called to serve on a jury. In Massachusetts, for example, the period is once every three years.



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