

What powers does the Constitution give to the judicial branch?

To complete the system of separation of powers, the Framers planned for a judicial branch. A national judiciary was needed to decide disputes between state governments and between citizens of two or more states; it was also needed for disputes between the national government and a state or a citizen.

The Framers had few problems agreeing on the powers of the judicial branch. Article III of the Constitution establishes the judicial branch. Article III includes the following ideas about a national court system.

- ❶ Judges should be appointed, not elected. Thus, judges would be independent of politics. They could use their best judgment to decide cases and not worry about the influence of political pressures.
- ❷ Judges should keep their positions “during good Behavior.” Judges cannot be removed from office unless they are impeached. Then the judge would have to be tried and convicted of “Treason, Bribery, or other high Crimes and Misdemeanors.” This means that judges should be able to make decisions without fear of losing their jobs. It also means that judges can keep their jobs for life.
- ❸ There should be a single U.S. Supreme Court with two types of jurisdiction. **Jurisdiction** means the power or authority to hear cases and make decisions. The types of jurisdiction are original and appellate.

• The U.S. Supreme Court has original jurisdiction in cases involving a state government or an ambassador. **Original jurisdiction** means that these cases go directly to the U.S. Supreme Court. A lower court does not try these cases first.

• In all other cases, the U.S. Supreme Court has **appellate jurisdiction**. The case is tried first in a lower court. Then the decision of the lower court is appealed to the U.S. Supreme Court. The Supreme Court may decide whether to hear a case on appeal.

The Constitution clearly gave the U.S. Supreme Court the power to overrule state laws that violate the Constitution or the laws made by Congress. The power is based on the supremacy clause in Article VI. You will study the supremacy clause in Lesson 17.

The national government is supreme in those areas where the Constitution gives it the power to act. For example, suppose a state passes a law allowing factories to pollute the air. Then Congress passes a law controlling the pollution a factory can produce. The national government’s laws would have to be obeyed over state laws.

Washington, Madison, and the other Framers who agreed with them got the strong national government they wanted. But the battle was not yet won. Many people in the United States were still afraid of a strong national government. They believed that it would be a threat to their rights and to their state governments.

The Judicial Branch

1. Why was the judicial branch necessary?
2. In your own words, explain why judges in federal courts are appointed and not elected AND why they can't be removed from office unless they are impeached?

3. Define the following:

Jurisdiction: _____

Original jurisdiction: _____

Appellate jurisdiction: _____

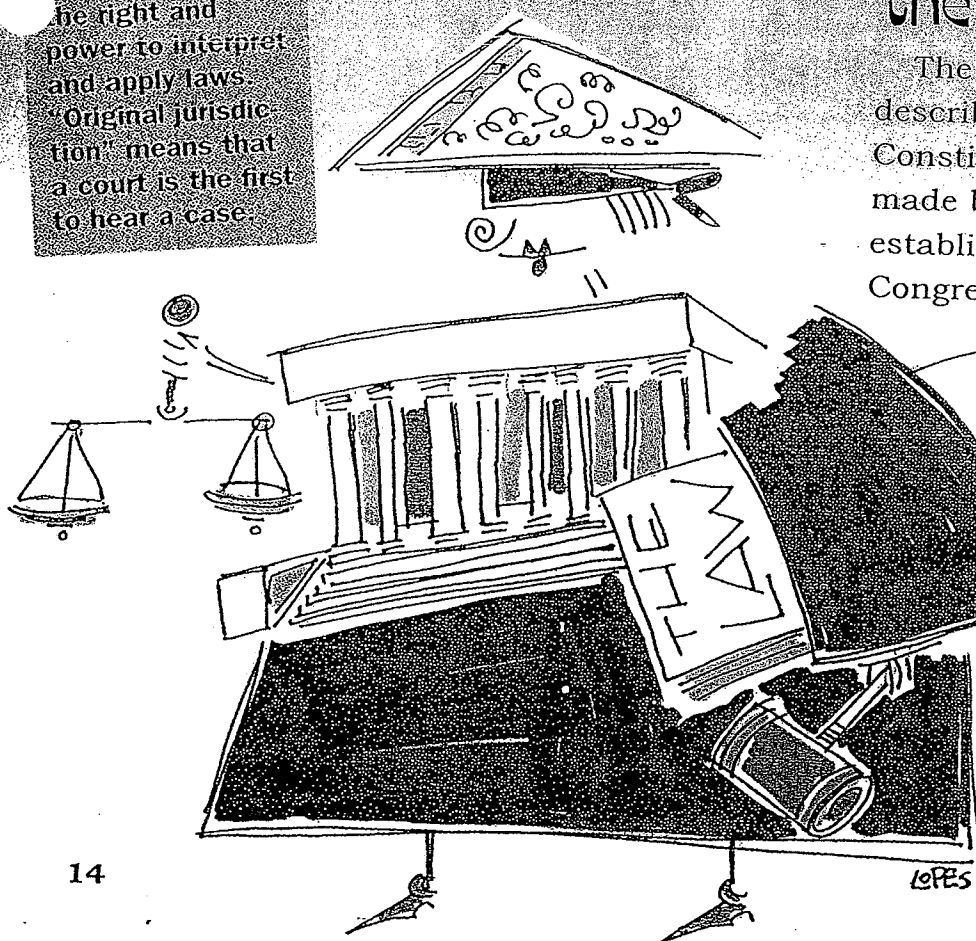
Jurisdiction is the right and power to interpret and apply laws. "Original jurisdiction" means that a court is the first to hear a case.

The Juice on the Judicial Branch


The job of the judicial branch, as described in Article III of the U.S. Constitution, is to interpret the laws made by Congress. The Constitution establishes a Supreme Court and gives Congress the power to establish lower federal courts. (Each state also has its own court system.)

The president appoints all federal court judges, including the justices of the Supreme Court. The Senate must approve all these appointments.

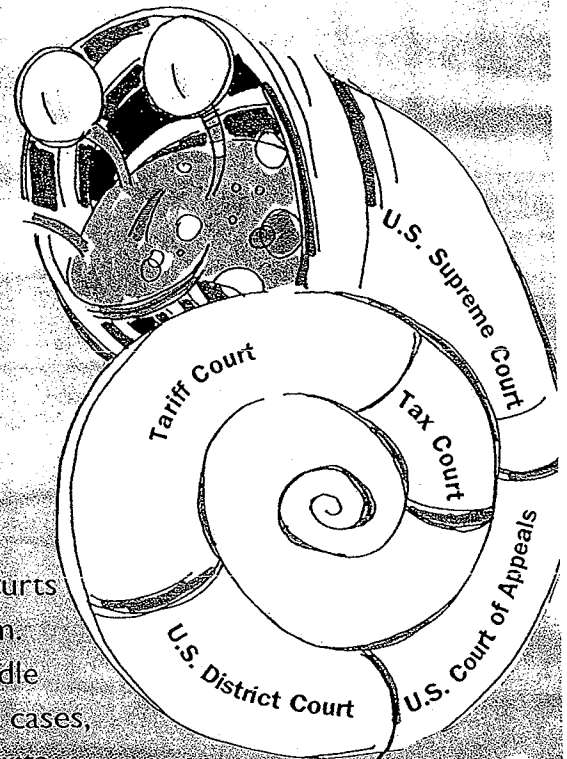
The Supreme Court has original ***jurisdiction*** in a few types of cases, such as dis-



putes between states or those involving diplomats. All other cases come to the Supreme Court on appeal; that is, they have been decided in a lower court, but the lawyers want another opinion. The Supreme Court is the final authority in such cases.

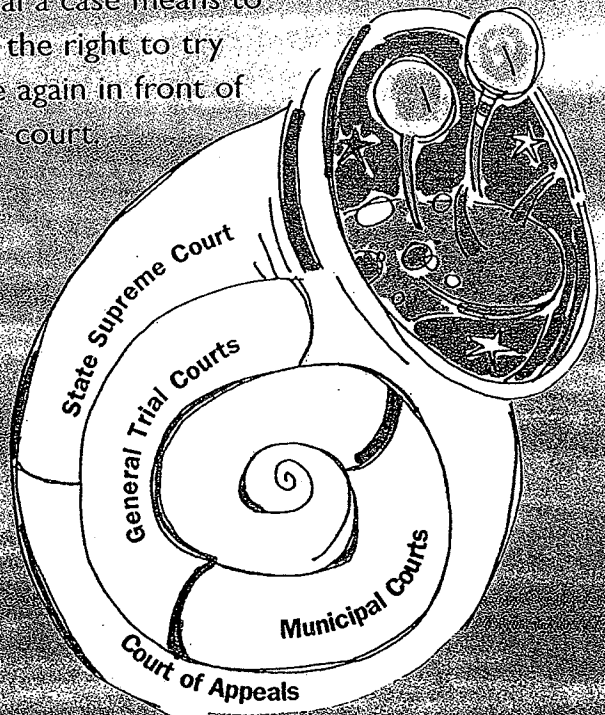
One of the Supreme Court's best-known powers is the ability to declare a local, state, or federal law unconstitutional. This power to review laws to see if they disagree with the principles of the Constitution is not actually in the document. It was established in a landmark court decision of 1803, in the case of *Marbury v. Madison*. Chief Justice John Marshall declared, "It is emphatically...the duty of the judicial department to say what the law is." This decision made clear that, as Article VI states, the Constitution is "the supreme law of the land." 

The U.S. Court System

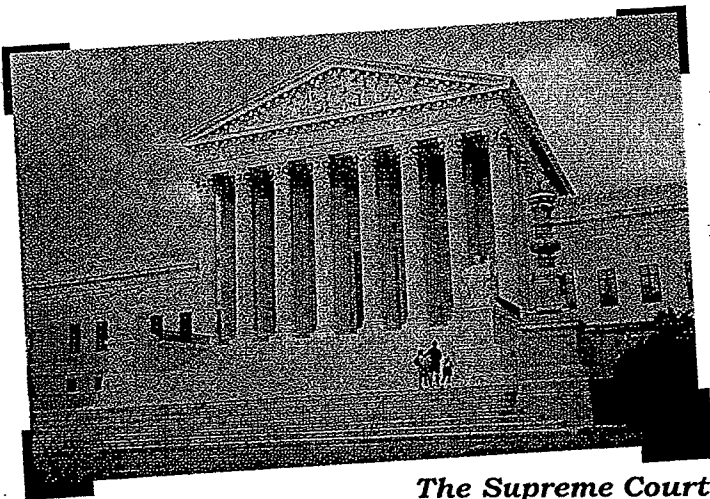


There are state and federal courts in the U.S. system. State courts handle state law-related cases, while federal courts address criminal and civil suits related to federal law. To appeal a case means to request the right to try the case again in front of a higher court.

FEDERAL COURTS



STATE COURTS



The Supreme Court

The Juice on the Judicial Branch

1. What court does the Constitution establish?
2. Who appoints all federal court judges?
3. Explain what it means for the Supreme Court to declare a law unconstitutional.
4. How would a person know if a case would be in a state or federal court?