

THE JUDICIAL BRANCH

from

The Almost Painless Guide to the Branches of Government

Program Produced By...

Northwest Teleproductions/Chicago, Inc.

Executive Producer...

Richard Hawksworth

Teacher's Guide by...

Rob Hammerschmidt

Rick Prangen

Published & Distributed by...



AGC/UNITED LEARNING

1560 Sherman Avenue

Suite 100

Evanston, IL 60201

1-800-323-9084

24-Hour Fax No. 847-328-6706

Website: <http://www.agcunitedlearning.com>

E-Mail: info@agcunited.com

This video is the exclusive property of the copyright holder. Copying, transmitting, or reproducing in any form, or by any means, without prior written permission from the copyright holder is prohibited (Title 17, U.S. Code Sections 501 and 506).

©MCMXCVIII Northwest Teleproductions/Chicago, Inc.

THE JUDICIAL BRANCH

Teacher's Guide Table of Contents

UNIT OF STUDY GUIDE

Introduction	1
Materials in the Unit of Study.....	6
Extended Learning Activity	6
Unit Goals	7
Unit Answer Key	6

PROGRAM GUIDE

General Description of the Program	2
Instructional Notes	2

Suggested Instructional Procedures

Teacher Preparation.....	3
Student Preparation.....	4
Student Objectives	4

Follow-Up Activities

Blackline Masters	5
Extended Learning Activity	6
Internet Resources	6
Answer Key	7
Script of Video Narration	13

 **This video is closed captioned**

The purchase of this video program entitles the user to the right to reproduce or duplicate, in whole or in part, this teacher's guide and the blackline master handouts that accompany it for the purpose of teaching in conjunction with this video, **The Judicial Branch**. This right is restricted only for use with this video program. Any reproduction or duplication in whole or in part of this guide and the blackline master handouts for any purpose other than for use with this video program is prohibited.

CLASSROOM/LIBRARY VIEWING CLEARANCE

This program is for instructional use. The cost of each program includes public performance rights as long as no admission charge is made. Public performance rights are defined as viewing of a video in the course of face-to-face teaching activities in a classroom, library, or similar setting devoted to instruction.

Closed Circuit Rights are included as a part of the public performance rights as long as closed-circuit transmission is restricted to a single campus. For multiple locations, call your United Learning representative.

Television/Cable/Satellite Rights are available. Call your United Learning representative for details.

Duplication Rights are available if requested in large quantities. Call your United Learning representative for details.

Quantity Discounts are available for large purchases. Call your United Learning representative for information and pricing. Discounts, and some special services, are not applicable outside the United States.

Your suggestions and recommendations are welcome. Feel free at any time to call United Learning at 1-800-424-0362.

THE ALMOST PAINLESS GUIDE TO THE BRANCHES OF GOVERNMENT

Unit of Study Grades 5-UP

INTRODUCTION

This three-part Unit of Study examines the three branches of the American federal government. The three programs (“The Executive Branch,” “The Legislative Branch,” and “The Judicial Branch”) may be used independently, or as a Unit of Study, intended to present a comprehensive approach to all three branches, their independent functions, and their extensive interactions, especially the system of “checks and balances” between the branches.

The Unit of Study includes Unit Goals, which govern the entire three-part package; Unit Assessment Tools, intended to be used prior to and after the presentation of all three lessons; and Unit Culminating Activities, intended to provide closure for the Unit. The Unit of Study materials and goals are delineated at the beginning of this Teacher’s Guide, and the individual lessons are presented thereafter.

The individual programs include lesson assessment tools, intended to be used prior to and after the presentation of each lesson. Each program has its own Teacher’s Guide, which follows the Unit of Study information. The Guide presents the contents of the program, Student Objectives for the lesson, and ensuing activities for each lesson.

MATERIALS IN THE UNIT OF STUDY

- Three videos;
- Three Teacher’s Guides, including lesson plans, Student Objectives, follow-up activities, and scripts;
- Unit Pre- and Post-Tests, Unit Goals, and Unit Culminating Activities.

Unit Goals

Unit goals for student comprehension govern the entire three-part Unit of Study. Unit assessment tools and culminating activities reflect these goals.

After participating in all three lessons included in this Unit of Study, students should be able to:

- Identify and explain the basic function of the three branches of federal government.
- Explain how the powers of the national government are distributed, shared, and limited.
- Explain how the three opening words of the Preamble to the Constitution, “We the People...,” embody the principle of the people as sovereign - the ultimate source of authority.
- Explain how legislative, executive, and judicial powers are distributed and shared among the three branches of the national government.
- Explain how each branch of government can check the powers of the other branches.

Blackline Masters

The following blackline masters present the Unit Assessment Tools and Culminating Activities. An Answer Key may be found on pages 3-6 of this Guide.

(1.) **Unit Blackline Masters #1a-1b: Unit of Study Pre-Test** is a Unit Assessment Tool to be used before you present any of the materials in the Unit Study. This tool should clarify student knowledge and misconceptions prior to the commencement of the Unit, and may be contrasted with **Blackline Masters #6a-6h: Unit of Study Post-Test** to gauge student comprehension of the Unit Goals, stated above, after the Unit has been completed.

(2.) **Unit Blackline Master #2: Political Cartoon** asks students to interpret a political cartoon based on the division of power between the branches of government.

(3.) **Blackline Masters #3, 4, and 5: Checks and Balances, More Checks and Balances, and Still More Checks**

and Balances asks students to delineate between the powers and responsibilities of the three branches of government.

(4.) **Unit Blackline Masters #6a-6h: Unit of Study Post-Test** provides a Unit Assessment Tool based on the Unit Goals, and should be administered after the completion of all three components of the Unit of Study and its Culminating Activities.

Answer Key

Unit Blackline Masters #1a-1b: Pre-Test

1. A
2. B
3. B
4. A
5. A
6. C
7. A
8. D
9. A
10. D

Unit Blackline Master #3: Checks and Balances

1.
 - A. legislative
 - B. executive
 - C. judicial
2.
 - A. executive
 - B. legislative
 - C. judicial
3.
 - A. judicial
 - B. executive
 - C. legislative
4. The different powers guarantee that no one branch of the government can become too powerful. While the legislative branch and executive branch are both elected the source of their constituency is different. The executive branch must gain support nationally while the legislative branch need only gain the support of the members of the states they represent. This helps to guarantee that issues

will be viewed from both a national and state point of view. In addition, Supreme Court justices are appointed by the executive branch and confirmed by the legislative branch. Also, the term of office for the legislative branch and executive branch are limited so that the people may control how powerful these officials become. This is especially true of the legislative branch which does not have term limits. Lastly, the term for a member of the judicial branch is for life so as to prevent them from being influenced by political elections or reappointment.

Unit Blackline Master #4: More Checks and Balances

1. executive
2. legislative
3. judicial
4. legislative
5. executive
6. legislative
7. judicial
8. legislative
9. executive
10. judicial
11. legislative
12. executive
13. legislative
14. legislative
15. executive

Unit Blackline Master #5: Still More Checks and Balances

1. Possible actions taken by the executive branch: The President would have two basic options; (1) sign the bill into law, or (2) veto the bill.
2. Possible actions taken by the legislative branch: If the President vetoed the bill, the legislative branch could override the veto with a two-thirds majority vote. Because the bill passed with so much support in both the House and Senate, this probably would occur.

3. Possible actions taken by the judicial branch: If a court case made its way through the lower courts to the Supreme Court, the Supreme Court could decide to hear the case. If the Supreme Court decided to hear the case, it could rule the law as either constitutional or unconstitutional because it violates the Second Amendment of the Constitution.

Unit Blackline Masters #6a-6h: Post-Test

- | | |
|-------|------------------------------|
| 1. A | 31. B |
| 2. B | 32. B |
| 3. A | 33. D |
| 4. B | 34. A |
| 5. A | 35. B |
| 6. B | 36. D |
| 7. B | 37. D |
| 8. B | 38. B |
| 9. A | 39. A |
| 10. B | 40. D |
| 11. A | 41. Bicameral |
| 12. B | 42. Electoral College |
| 13. B | 43. Speaker of the House |
| 14. B | 44. House of Representatives |
| 15. A | 45. Judicial review |
| 16. A | 46. Appellate jurisdiction |
| 17. B | 47. Impeach |
| 18. A | 48. Congress |
| 19. A | 49. Original jurisdiction |
| 20. A | 50. Veto |
| 21. C | 51. E |
| 22. D | 52. L |
| 23. D | 53. J |
| 24. C | 54. L |
| 25. A | 55. E |
| 26. D | 56. L |
| 27. B | 57. J |
| 28. C | 58. L |
| 29. D | 59. E |
| 30. C | 60. J |

61. **legislative branch - make laws**
 executive branch - enforce laws
 judicial branch - interpret laws
62. **The President appoints a candidate to fill a vacancy. This candidate is then confirmed by the Senate (legislative branch). The term of the justice is for life; therefore, he is immune from any influences by the other two branches.**
63. **The executive branch (President) can either sign the bill or veto the bill. If so, the legislative branch can override this veto with a 2/3 majority vote. In this case, the bill will be signed into law. If the law is challenged, it will go to the federal judicial system, which is the judicial branch. The case can eventually be appealed until it reaches the Supreme Court. In which case they can declare it constitutional or unconstitutional.**
64. **Answers will vary.**

**THE ALMOST PAINLESS GUIDE TO THE
BRANCHES OF GOVERNMENT**

The Judicial Branch

Running Time: 18 minutes

GENERAL DESCRIPTION OF THE PROGRAM

The Almost Painless Guide to the Branches of the Government: The Judicial Branch uses contemporary footage, archival footage and photographs, original graphics, and dialog narration to provide students in grades five and up with information on the judicial branch of the federal government.

Although the program focuses on the judicial branch, it is considered in context with the legislative branch and the executive branch to examine how each branch checks the others to create a balance of power.

The program looks at the United States Constitution as the foundation of federal government and the concept of “We the People” as the ultimate authority. The system of checks and balances is examined in detail with various graphic and video examples provided. Additionally, we see how power is divided between state and federal governments.

The creation of the judicial branch and Supreme Court justices is studied, along with the powers and responsibilities that their positions entail. We also look at the requirements of the justices, how they are appointed and confirmed, the process of judicial review, and the impact that the Supreme Court has on our the laws and values of society.

The program concludes with “The Almost Painless Review,” which offers an excellent synopsis of the entire program. Also, a Video Quiz is provided after the closing credits.

INSTRUCTIONAL NOTES

It is suggested that you preview the video and read the related Suggested Instructional Procedures before involving your students in the lesson activities. In this way, you will become familiar with the materials and be better prepared to adapt the program to the needs of your class.

You will probably find it helpful to follow the video and lesson activities in the order in which they are presented in this Teacher's Guide, but this is not necessary.

It is also suggested that the video presentation take place before the entire class and under your direction. The lesson activities focus on the content of the video; therefore, the presentations should be a common experience for all students.

As you review the instructional program outlined in the Teacher's Guide, you may find it necessary to make some changes, deletions, or additions to fit the specific needs of your students. We encourage you to do so, for only by tailoring this program to your students will they obtain the instructional benefits afforded by the materials.

SUGGESTED INSTRUCTIONAL PROCEDURES

Teacher Preparation

- Preview the video The JudicialBranch.
- Duplicate any blackline masters you intend to use.
- Read the descriptions of the blackline masters.

Student Preparation

The students should be supplied with the necessary copies of blackline masters required to complete the activities supplied. Teachers can extend any of the lessons on judicial powers by analyzing current events articles.

STUDENT OBJECTIVES

After viewing the videotape, The Judicial Branch, and participating in follow up activities, students should be able to:

- Define the powers of the Judicial Branch as the power to overrule decisions made by lower courts declare laws made by Congress to be unconstitutional declare actions of the executive branch to be unconstitutional.
- * Describe and define the following:
 - √ the creation and function of the Judicial Branch;
 - √ the power of the Supreme Court to influence history and society;
 - √ the appointment of justices.

FOLLOW-UP ACTIVITIES

BLACKLINE MASTERS

The following duplicable blackline masters are included with this guide. An Answer Key appears on pages 11-13.

(1.) **Blackline Master #1: Pre-Test** is an assessment tool intended to gauge student comprehension of the Objectives prior to the launching of the judicial branch lesson, which includes the video and the ensuing activities. The results of the Pre-Test may be contrasted with the results of the Post-Test (**Blackline Masters #6a-6c**) to assess the efficacy of the lesson in achieving the Student Objectives.

(2.) **Blackline Master #2: Video Quiz** is a printed copy of the questions which appear at the end of the video presentation. The Video Quiz is intended to reinforce the salient points of the video immediately following its completion and may be used for assessment or as a catalyst for discussion.

- (3.) **Blackline Master #3: Vocabulary** is a list of pertinent terms and definitions.
- (4.) **Blackline Master #4: Discussion Questions** offers questions to spur conversation and help you identify student misconceptions and comprehension.
- (5.) **Blackline Masters #5a-5b: You Be The Judge** poses a number of questions pertaining to political affiliation, gender, ethnicity, and Constitutional concepts. The activity includes a blackline master delineating, in pie chart format, the demographic profiles of the judicial branch, executive branch, and the American populace. Students are asked to draw conclusions based on these data.
- (6.) **Blackline Masters #6a-6c: Post-Test** is an assessment tool to be administered after the lesson (Pre-Test, video, and follow-up activities) have been completed.

EXTENDED LEARNING ACTIVITY

The following activity may be assigned to more advanced students:

Included with the blackline masters for this lesson is a set of pages analyzing the Supreme Court case *Korematsu v. United States*. Students are asked to role-play the case. A Teacher Instructions sheet is included. There are six Extended Learning Activity Sheets.

INTERNET RESOURCES

- (1.) Government Servers:

<http://www.eff.org/govt.html>

This server contains a host of links to both foreign and domestic governments. In addition, there are several links that will give detailed information about the judicial branch and related offices.

- (2.) The Democratic Party On-Line:

<http://www.democrats.org>

This server contains detailed information about the Democratic Party and its candidates.

(3.) **The Republican Main Street:**

<http://www.rnc.org>

This server contains detailed information about the Republican Party and its candidates.

(4.) **Welcome to the White House:**

<http://www.whitehouse.gov>

This server contains links to other offices and departments for which the executive branch is responsible. In addition, it contains detailed historical information about the office of the President.

(5.) **National Archives and Records Administration:**

<http://www.nara.gov/nara/president/address.html>

This server will allow viewers to select a President and visit the website of his presidential library.

ANSWER KEY

Blackline Master #1: Pre-Test

1. B
2. B
3. A
4. A
5. B
6. B
7. B
8. A
9. A
10. B

Blackline Master #2: Video Quiz

1. A
2. A
3. B
4. B
5. A
6. A
7. D
8. B
9. C
10. D

Blackline Master #4: Discussion Questions

1. Changes to the Constitution can be made by adding amendments. The Supreme Court can also impact the social atmosphere of our country as well. (i.e. *Dred Scott*, *Plessy v. Ferguson*, and *Brown v. Board of Ed.*)
2. It is called a federal system of government because it shares its power and responsibilities with the individual states.
3. The President (the executive branch) appoints the justices of the Supreme Court and appointments are subject to confirmation (approval) of the Senate.
4. The Supreme Court “checks” the other two houses by having the power to invalidate (declare unconstitutional) a law passed by Congress or signed by the President.
5. The length of term for a justice is life.
6. The federal court system is made up of the Supreme Court, US Court of Appeals, US District Courts, and US Claims Court.
7. Judicial review is the act performed by the Supreme Court. By using this review, it interprets the rules of the Constitution. In addition, it also consider whether new laws or lower court decisions violate the Constitution.
8. There are nine Supreme Court justices. An odd number is used in order to insure a majority decision. If a justice abstains from voting and a majority decision is not reached, then the lower court’s decision is upheld.
9. Original jurisdiction is when the Supreme Court reviews the constitutionality of a state or federal law. Appellate jurisdiction is when the Supreme Court considers the question of constitutionality of lower courts.
10. There are no requirements of a justice. S/he is appointed by the President, then confirmed by the Senate. During the selection process, his/her qualifications are reviewed.

Blackline Masters 6a-6c: Post-Test

1. B
2. B
3. B
4. A
5. B
6. A
7. A
8. B
9. A
10. B
11. A
12. D
13. B
14. C
15. D
16. B
17. C
18. C
19. D
20. A

Essay- The answers will vary, but they should include supporting examples the further explanation of the following example:

The powers assigned to the judicial branch safeguard the individual liberties of the citizens. In addition, these powers allow the Supreme Court to check the executive and legislative branches of government. The judicial branch membership is selected by individuals who are representative of the will of the people.

AGC/United Learning • 1560 Sherman Ave., Suite 100 • Evanston, IL 60201 • 800-323-9084

**THE ALMOST PAINLESS GUIDE TO THE BRANCHES OF
GOVERNMENT
THE JUDICIAL BRANCH
SCRIPT OF NARRATION**

Harlan:
Hold it, we can't say that!

Marie:
Why not, Harlan?

Harlan:
Just got off the phone with our lawyers. We have to add a legal disclaimer, Marie. Here, you read it.

Marie:
Okay. Every attempt has been made to insure this video will be a pain-free lesson in the branches of the United States government. There are no other guarantees or promises, implied or implicit. Your mileage may vary. Always wear your seat belt. Void where pro-

Harlan:
Stop! How's this?

Marie:
That should take care of it.

Harlan:
I guarantee it.

Marie:
Now you're setting yourself up for another call from our lawyers.

Harlan:
Sorry. But, speaking of the law...

Marie:
Was that a transition?

Harlan:

And a darn fine one! Today's program is on one branch of the government I know something about.

Marie:

Harlan understands one out of three, and he's proud of it!

Harlan:

Gee, that was so judgmental, Marie.

Marie:

You're not going to start with legal jokes.

Harlan:

I'll be brief.

Marie:

(Groans)

Harlan:

I'll admit that learning about the executive branch,

Marie:

The President,

Harlan:

And the legislative branch,

Marie:

Congress,

Harlan:

Is, a little, shall we say "difficult" for me. Difficult and required, tough combo. You've been helpful though, Marie.

Marie:

Well, thank you,

Harlan:

But, I find the law, and particularly the Supreme Court, supremely interesting. I'm sort of a legal eagle.

Marie:

More like a legal beagle.

Harlan:

Doggone good joke, Marie!

Marie:

Oh, brother. We know that the three branches of the United States government are part of a plan, an organization, a set of rules, all established in the Constitution.

Harlan:

Those rules can change though, right?

Marie:

That's right. The rules can change through "amendments," or additions to the Constitution. In much the same way, Supreme Court decisions have often changed "the rules" of our country's laws and they way they affect our country's people.

Harlan:

Got it.

Marie:

Even though today, we'll be concentrating on the judicial branch and the role of the Supreme Court, it's important to remember who the most important people in our system of government are.

Harlan:

Okay, I'll bite. More important than the Supreme Court justices?

Marie:

Yep.

Harlan:

More important than Congressmen?

Marie:

Yep.

Harlan:

More powerful than a speeding locomotive?

Marie:

Uh, Harlan.

Harlan:

More important than the President?

Marie:

We, the people.

Harlan:

I'm getting a feeling of déjà vu. I swear I've heard that phrase before somewhere.

Marie:

Well, I certainly hope so! Those three words are the key to understanding our entire system of government, Harlan. They're the first three words of our Constitution. See, unlike other countries, we, the citizens of the United States, granted our government and its leaders the privilege of governing us for our common good. But, and this is very important, "we the people" are the ultimate authority.

Harlan:

Right, no monarchy or dictators for us!

Marie:

And the framers of the Constitution made sure there were checks and balances built in, so that no one branch of the government that we established could become too powerful.

Harlan:

So the branches operate like sort of like umpires for each other.

Marie:

In a way. A typical male way, but, yes, umpires.

Harlan:

In this program, we'll examine the judicial branch and how and why it was created, just what powers the judicial branch possesses, how it interacts with the Legislative and executive branches, and how all three branches work together, and limit each other's power.

Marie:

Back in 1788, our Constitution went into effect, creating a federal government.

Harlan:

It's called a federal government so that we could have federal cases, right?

Marie:

No, it's called a federal system of government because it shares its power and responsibilities with the individual states.

Harlan:

So that's why a state like say, Pennsylvania, doesn't coin its own money or decide to declare war on Saskatchewan.

Marie:

Right, you won't see any "Pennsylvania pennies" or a "Keystone State Military," but at the same time, the states reserve many powers for themselves, like operating schools, setting local laws, collecting taxes...

Harlan:

They're real good at that.

Marie:

No comment. Now, at the Constitutional Convention....

Harlan:

Held at the Super Bowl!

Marie:

Held in Philadelphia! Remember that the individual colonies, or states, were understandably very concerned about creating too strong a central government.

Harlan:

Well, naturally. They'd just finished a war over the tyrannical rule of England.

Marie:

So, to protect and preserve the states' rights, but at the same time establish an effective national government, a federal system was designed in which the three main functions of government would be held by three separate branches: the legislative branch, or Congress, was empowered to make laws; the President, through the offices of the executive branch, was charged with assuring the laws were faithfully executed; and the judicial branch, or the Supreme Court, was established to interpret the laws as they apply to the Constitution. Their powers were clearly defined, and limited, at the Constitutional Convention.

Harlan:

And that provides a system of checks and balances.

Marie:

For example, although the President appoints the justices of the Supreme Court, his appointments are subject to confirmation, or approval, of the Senate.

Harlan:

Got it.

Marie:

While the President can veto any law passed by Congress, Congress can override a veto with a two-thirds majority vote.

Harlan:

And while the President is our Commander-In-Chief of the armed forces, only Congress can declare war.

Marie:

And the Supreme Court provides a further check and balance because it has the power to invalidate a law passed by Congress, or signed by the President if it decides that law would be “unconstitutional,” or in violation of the principles of the Constitution

Harlan:

So the checks and balances system really seems to work. The party guys did good!

Marie:

The “party guys?” Oh, you mean the Constitutional Convention attendees.

Harlan:

Yeah, whatever. The important thing is that in article three, section one, the party guys...

Marie:

Harlan!

Harlan:

...the Constitutional Convention attendees established one Supreme Court, and, in 1790, John Jay was declared our first Chief Justice. They made being a Supreme Court Judge a really good gig, too.

Marie:

A really good “gig?”

Harlan:

Yeah, the judges of both the Supreme Court and the lower federal courts have jobs - ready for this? - for life! That’s my idea of a really good gig!

Marie:

Well, coming from a person who measures job longevity in terms of weeks, I suppose you would put it that way. But those justices have a tremendous responsibility, and the Constitution insists on “good behavior” to maintain their position.

Harlan:

I knew it was too good to be true.

Marie:

The fact is that only one justice, Samuel Chase, back in 1805, has ever even been impeached.

Harlan:

Impeached means he was kicked out?

Marie:

No, impeached means that legal action was brought against him, but he was acquitted. One other judge, Abe Fortas, did resign in 1969 when he was accused of a conflict of interest.

Harlan:

So, in all seriousness, Marie, it seems to me that an appointment for life really is a big responsibility and an opportunity to dramatically influence the law and our society. I'll give you just two examples.

Marie:

I knew you would.

Harlan:

The Civil War was caused in part by a Supreme Court decision, in the Dred Scott case of 1857. In this case, the Supreme Court ruled that in all states, slaves were considered the property of their owners. More recently, the modern Civil Rights movement was born when the Supreme Court outlawed public school racial discrimination in Brown versus the Board of Education of Topeka, Kansas.

Marie:

Decisions like these are obviously very important, not only as laws,

but to every citizen of our country, and that's why an appointment to the Supreme Court by the President,

Harlan:

The executive branch,

Marie:

Must be approved by the Senate,

Harlan:

One of the two houses of the legislative branch.

Marie:

Correct. It's all part of our government's

Marie and Harlan:

System of checks and balances.

Marie:

Now, on a lighter note, at least one Supreme Court judge did seem to agree with your opinion that his position was, as you so brilliantly put it, "a good gig."

Harlan:

Really?

Marie:

In 1990, when Associate Justice Thurgood Marshall turned 82 and was asked when he might retire, Judge Marshall replied that he had "a lifetime appointment and I intend to serve it. I expect to die at 110, shot by a jealous husband!"

Harlan:

Pretty cool, especially for a guy dressed in a robe.

Marie:

Pretty cool, for a member of the most powerful court in the country.

Harlan:

That's true. The Constitution established the Supreme Court as the highest court in the land and gave Congress,

Marie:

The Legislative, or law-making, Branch,

Harlan:

The power to establish other "inferior" courts. That means they're not quite as good.

Marie:

I don't think so, Harlan.

Harlan:

Just kidding, Marie. But there are state courts and other lower federal courts, district courts, where trial cases originate, and appeals courts, where those cases can be appealed. But they're called "inferior" because they can be over-ruled by the highest court.

Marie:

The Supreme Court.

Harlan:

Earlier you mentioned that the rules of the Constitution can be changed through amendments.

Marie:

Right.

Harlan:

Well, the Constitution's rules can also be interpreted, and much of the time of the Supreme Court is spent considering whether new laws or lower court decisions violate the Constitution. It's called "judicial review."

Marie:

Wow, "judicial review." You sound like a lawyer.

Harlan:

Not only do I sound like a lawyer, I'm charging like one, wait'll you see my bill.

Marie:

Can't wait!

Harlan:

"Judicial review" just means that the Supreme Court has the authority to examine the actions of the Legislative and executive branches to insure that they are constitutional. And the Court can rule on decisions made by lower courts when those decisions are challenged, or "appealed."

Marie:

First, it's judicial review, now he's talking "constitutionality!"

Harlan:

Fancy words, simple concept. In 1803, the Supreme Court, under the guidance of Chief Justice John Marshall, ruled on the case of Marbury versus Madison.

Marie:

Spare me the details, okay?

Harlan:

You can, and will, read about it later, Marie. The court ruled that any act of Congress which conflicts with the Constitution is null and void.

Marie:

Got it! So the Supreme Court is the supreme interpreter of the Constitution.

Harlan:

Supremely stated. The Court's rulings apply to everyone: individuals, Presidents, Congress, and the states. So Supreme Court decisions affect all of us, everyday.

Marie:

We, the people.

Harlan:

Just had to work that in one more time, didn't you? But you are right.

Marie:

I know.

Harlan:

Right, and oh-so smug. I prefer to look at the Supreme Court as sort of the supreme umpires, calling "foul ball" if they feel Congress or a lower court has made a mistake and a law or a court decision seems unconstitutional.

Marie:

Leave it to you to somehow, some way, find a sports analogy.

Harlan:

Well, there are nine Supreme Court justices.

Marie:

What does that have to do with anything?

Harlan:

Nine players on a baseball team! Nine!

Marie:

Spare us. Besides, there weren't always nine justices. The size of the court is set by Congress, and has varied over the years from six to ten. In fact, in 1937, President Franklin Roosevelt tried and failed to add six more justices to the Court to sway a vote in his favor.

Harlan:

I didn't know that.

Marie:

Anyway, it has stayed at nine since 1869, although as few as six can decide a case.

Harlan:

Close enough.

Marie:

Close only counts in horseshoes, Harlan. Oops, that was a sports analogy, wasn't it?

Harlan:

I feel the thrill of victory! Vindicated! Case closed! And speaking of cases, do you know the voting structure of the Supreme Court?

Marie:

I'm still struggling with your horrible transition. Go ahead.

Harlan:

A majority vote of the entire court is decisive. And a tie vote sustains a decision of a lower, or so-called "inferior," court.

Marie:

Interesting.

Harlan:

And judges named "Harlan" get two votes.

Marie:

Wrong on two counts: One vote, one justice; and, two, there weren't any Supreme Court judges named "Harlan."

Harlan:

Got ya! I told you I was a legal eagle! There have been three "Harlans" in the Supreme Court. And, I might add, not one single Marie! Or, for that matter, not even a married Marie!

Marie:

Okay, fine. But there have been women Supreme Court justices!

Harlan:

Yeah, but none named Harlan!

Marie:

Well, I certainly hope not!!

Harlan:

Don't make a federal case out of it.

Marie:

Oh, boy!

Harlan:

But speaking of federal cases, the Supreme Court has power over two types of federal cases: Original, where they hear cases for the first time that involve controversies between states, states and federal government, states and citizens, and others involving admiralty and maritime issues; and appellate cases, where they only hear cases that have first worked their way through the inferior courts. It's here that the Supreme Court considers questions of Constitutionality, and can, at its discretion, review lower court decisions.

Marie:

I'm sure there must be thousands of cases they could possibly look at, Harlan. How do they decide?

Harlan:

At least four justices have to agree to hear the case and only a very few make it to the Supreme Court. You might think of it as getting to the legal World Series.

Marie:

I'd prefer not to, but I do understand.

Harlan:

Boy, y'know, all this talk about the Supreme Court, and the justices, you know, I'm starting to get that strange urge I...

Harlan and Marie:

always seem to get about now...

Harlan:

FIELD TRIP!!!

Harlan:

Well, here we are! Wow, I've never seen so much marble! It's dazzling! This place is whiter than the White House! I'm going to have to get some of those sensational souvenir Supreme Court sunglasses!

Marie:

Those will fit in nicely with your Washington Collection.

Harlan:

Well, at least I can safely say, "This is where it all began."

Marie:

No.

Harlan:

No?

Marie:

It wasn't until 1935 that the Supreme Court got its own building.

Harlan:

Ah, sort of a reward for that "good behavior," huh?

Marie:

You're living proof that a little knowledge is a dangerous thing. Anyway, Cass Gilbert from New York City designed this building.

Harlan:

New York City!

Marie:

You really know how to beat a joke to death, don't you? Well, looks pretty quiet right now, but the Court is only in session from the first Monday in October till June or July.

Harlan:

I wonder if the judges of the inferior courts have to spend August and September polishing all that marble? Shoot, we're almost out of time.

Harlan:

HOME!

Marie:

That was fun, but I'm glad to be back and I'm ready for one of our soon-to-be-famous painless reviews.

Harlan:

Don't forget the required legal disclaimer.

Marie:

Right!

Harlan:

Ready? I promise this won't hurt a bit. The U. S. Supreme Court is the highest court of our land and was established by article three of the Constitution. The court has ultimate jurisdiction over all cases involving the Constitutionality of laws passed by Congress or signed by the President as part of our federal government's system of checks and balances. The court can also review lower federal court decisions at their discretion. There are nine members of the Supreme Court, including one Chief Justice. Decisions are rendered by a majority vote. Members of the Supreme Court are appointed by the President for life, assuming good behavior of the judge and subject to approval by the Senate.

Marie:

Wow! Painless, almost, and fast!

Harlan:

Thank you and I think pretty interesting as well.

Marie:

Particularly the field trip. I love Washington, D.C.! Can you imagine dusting all that wood in the Court's chambers?

Harlan:

I can't imagine dusting anything.

Marie:

That's true.

Harlan:

Boy, it was a really great trip!