

Viking Quest: Government Assignments

January 2015

Week: 5th -9th

- *Read and complete Chapter 11 Study Guide handout pages 117-128*
- *Read and complete chapter 11 section assessments pages 304-327, Government textbook*
- *Complete Chapter 11 Assessment and Activities pages 328-329, Government textbook*

STUDY GUIDE Chapter 11, Section 1

For use with textbook pages 305–310.

POWERS OF THE FEDERAL COURTS

KEY TERMS

- concurrent jurisdiction** Authority shared by both federal and state courts (page 306)
original jurisdiction The authority of a trial court to be first to hear a case (page 306)
appellate jurisdiction Authority of a court to hear a case that is appealed from a lower court (page 306)
litigant A person engaged in a lawsuit (page 307)
due process clause Fourteenth Amendment clause stating that no state may deprive a person of life, liberty, or property without due process of law (page 308)

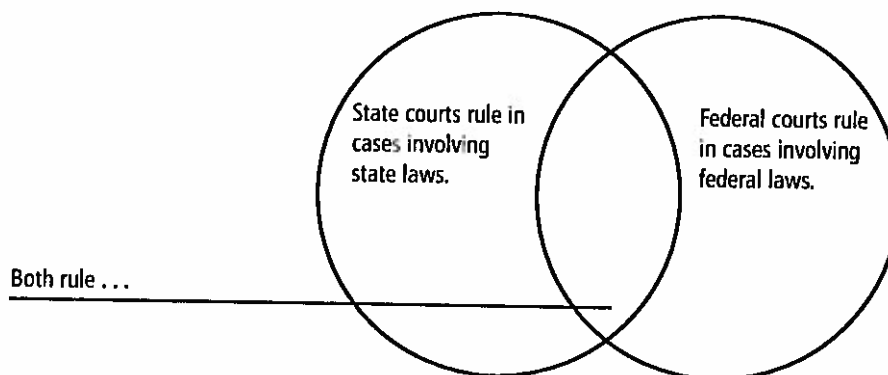
DRAWING FROM EXPERIENCE

Suppose your family assigned you certain rooms—such as your bedroom and washroom—to keep tidy. This would be your area of responsibility. In a similar way, federal courts are responsible for certain areas of law. These areas are called their jurisdictions.

This section focuses on the work of the federal courts.

ORGANIZING YOUR THOUGHTS

Use the Venn diagram below to help you take notes as you read the summaries that follow. Think about the overlapping jurisdictions of the state and federal courts.



STUDY GUIDE (continued)

Chapter 11, Section 1

READ TO LEARN

Introduction (page 305)

The Supreme Court played only a small role in the United States government until Chief Justice John Marshall was appointed in 1801. He helped to increase the power of the Court. Over the years, the Court's growing role met serious challenges. However, today the judicial branch of government is well established as an equal with the legislative and executive branches.

Jurisdiction of the Courts (page 305)

Each of the 50 states has its own system of courts. Their powers come from state constitutions and laws. The federal court system consists of the Supreme Court and lower federal courts. Federal courts get their powers from the Constitution and federal laws.

The authority to hear certain cases is called the jurisdiction of the court. In the dual court system of the United States, state courts have jurisdiction over cases involving state laws. Federal courts have jurisdiction over cases involving federal laws, treaties with foreign nations, Constitutional interpretations, bankruptcy, and maritime law. Sometimes the jurisdiction of the state and federal courts overlap. Federal courts have the authority to hear cases that involve the following parties or persons:

- A. Ambassadors and representatives of foreign governments
- B. Two or more state governments
- C. The United States government or one of its offices or agencies
- D. Citizens that are residents of different states
- E. Citizens that are residents of the same state but claim lands under grants of different states

In some instances, called **concurrent jurisdiction**, both federal and state courts have jurisdiction. A case involving citizens of different states in a dispute concerning at least \$75,000 may be tried in either a federal or state court. However, the case must be tried in a federal court if the person suing insists.

The court in which a case is originally tried is known as a trial court. A trial court has **original jurisdiction**. In the federal court system, the district courts as well as several other lower courts have only original jurisdiction. A person who loses a case in a trial court may wish to appeal a decision. Then he or she may take the case to a court with **appellate jurisdiction**. The federal court system has courts of appeals with only appellate jurisdiction. If the party loses in the court of appeals, he or she may appeal the case to the Supreme Court. The Supreme Court has both original and appellate jurisdiction.

1. Federal courts have jurisdiction over what five areas?

Developing Supreme Court Power (page 307)

The following principles of the Supreme Court have developed from custom, usage, and history.

STUDY GUIDE (continued) Chapter 11, Section 1

- A. Neither a judge in the federal courts nor a justice in the Supreme Court may seek out an issue and bring it to court. The courts must wait for *litigants*—people engaged in a lawsuit—to come to them.
 - B. Federal courts will only determine cases. They will not simply answer a legal question, no matter how important the question or who asks it.
 - C. The Court can review acts of Congress. This is the power of *judicial review*. It was established under Chief Justice John Marshall by the 1803 Supreme Court ruling in *Marbury v. Madison*.
 - D. In 1810 and 1819 the Supreme Court extended its power to review state laws. Supreme Court rulings in 1824 and 1825 also broadened federal power, not just the power of the Supreme Court, at the expense of the states. However, the *Dred Scott v. Sandford* (1857) decision supported states' rights on the issue of slavery but damaged the Court in the eyes of the nation.
2. How was the power of judicial review established?

Due Process (page 308)

Following the Civil War, the Supreme Court issued several rulings on the Thirteenth, Fourteenth, and Fifteenth Amendments. It often refused to apply the *due process clause* of the Fourteenth Amendment when individuals challenged business or state interests. The due process clause says that no state may deprive any person of life, liberty, or property without the due process of law. The following cases are important rulings related to the Civil War Amendments:

Slaughterhouse Cases Louisiana had granted a monopoly on the slaughtering business to one company. Competing butchers claimed that this grant denied them the right to practice their trade. They claimed that the Fourteenth Amendment guaranteed the privileges and immunities of U.S. citizenship, equal protection of the laws, and due process. In 1873 the Court ruled for the state of Louisiana. It explained that the amendment only protected the rights and privileges of federal, not state, citizenship.

Plessy v. Ferguson In the 1896 *Plessy v. Ferguson* decision, the Court established the “separate but equal” doctrine. This means that if facilities are equal for both races, the facilities can be separate, or segregated.

The Court and Business In the 1870s, the Supreme Court rejected a challenge to state regulatory laws in the *Granger Cases*. It held that some private property, such as a railroad, was invested with the public interest, so a state could regulate it. More often, the Court sided with business. In *Debs v. United States*, it upheld the contempt conviction of labor leader Eugene V. Debs, jailed for disobeying an order to call off a strike. In the 1930s, President Franklin D. Roosevelt was angered when the Supreme Court struck down laws that regulated business. The president tried to pack the court by appointing justices who shared his beliefs. His attempts failed but the Court began to uphold federal and state regulations.

Civil Liberties The Supreme Court under Chief Justice Earl Warren (1953–1969) was a major force in protecting civil freedoms. It overturned the “separate but equal” decision and outlawed segregation in public schools in *Brown v. Board of Education of Topeka*. In other cases, the Warren Court extended equal protection in voting rights and applied due process to persons accused of crimes.

3. Give an example of the Supreme Court upholding state regulatory laws over the interests of business.

STUDY GUIDE Chapter 11, Section 2

For use with textbook pages 312–317.

LOWER FEDERAL COURTS

KEY TERMS

grand jury A group that hears charges against a suspect and decides whether there is sufficient evidence to bring the person to trial (page 312)

indictment A formal charge by a grand jury (page 312)

petit jury A trial jury, usually consisting of 6 or 12 people, that weighs the evidence presented at a trial and renders a verdict (page 313)

judicial circuit A region containing a United States appellate court (page 313)

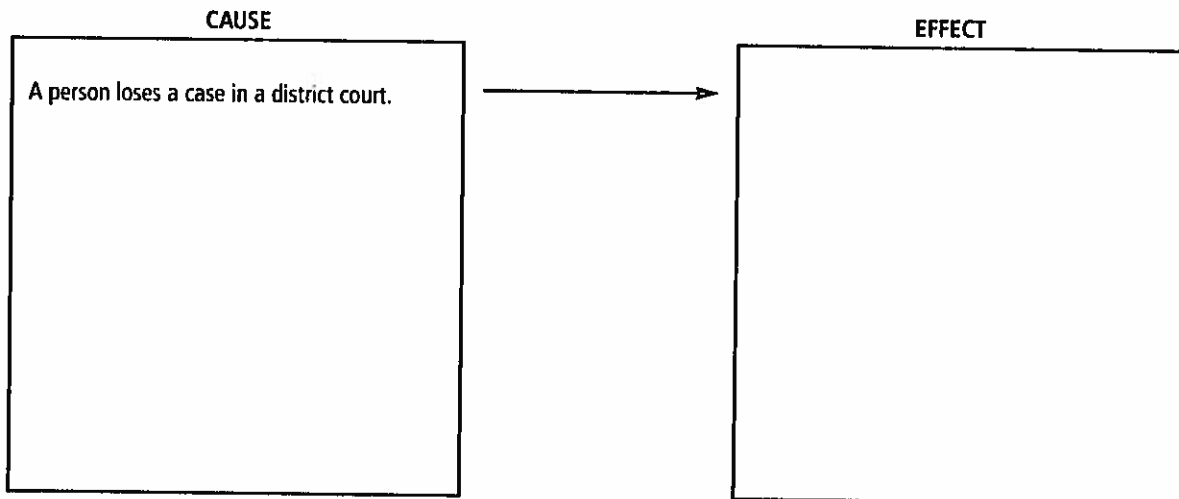
senatorial courtesy A system in which the president submits the name of a candidate for judicial appointment to the senators from the candidate's state before formally submitting it for full Senate approval (page 317)

DRAWING FROM EXPERIENCE

Imagine you and your friend found a baseball in a field. How would you decide who owned the ball? You might go to a third person to decide for you. In a sense, making decisions is the job of judges and courts. This section focuses on the kinds of lower federal courts in the United States.

ORGANIZING YOUR THOUGHTS

Use the graphic organizer below to help you take notes as you read the summaries that follow. Think about what happens when a person loses a case in a district court.



STUDY GUIDE (continued)

Chapter 11, Section 2

READ TO LEARN

Introduction (page 312)

The Constitution created the Supreme Court. Congress established the network of lower federal courts. These courts are of two basic types—constitutional federal courts and legislative federal courts.

Constitutional Courts (page 312)

Courts established by Congress under Article III of the Constitution are constitutional courts. These courts include the following kinds:

Federal District Courts Congress created district courts in 1789 to serve as trial courts. Today the United States has 94 district courts. More than 550 judges preside over the district courts with jurisdiction to hear cases involving federal laws. They try both criminal and civil cases. District courts use two types of juries in criminal cases. A **grand jury** of 16 to 23 people hears charges against a person suspected of committing a crime. The grand jury issues an **indictment**, a formal accusation charging a person with a crime, if it believes there is sufficient evidence to bring the person to trial. A petit jury of 6 or 12 people is a trial jury. It weighs the evidence presented at a trial in a criminal or civil case. In a criminal case, a petit jury decides whether a person is guilty or not guilty. In a civil case, the jury finds for either the plaintiff—the person that is suing—or the defendant—the person who is being sued.

The following appointed officials provide support services for district courts:

- A. A United States attorney represents the United States in all civil suits brought against the government and prosecutes people charged with federal crimes.
- B. A United States magistrate issues arrest warrants and helps decide whether the arrested person should be held for a grand jury hearing.
- C. A United States marshal may make arrests, secure jurors, or keep order in the courtroom.
- D. A clerk keeps records of court proceedings with deputy clerks, bailiffs, and stenographers.

Federal Courts of Appeals A person who loses a case in a district court may appeal to a federal court of appeals, or in some instances, to the Supreme Court. The United States is divided into 12 **judicial circuits**, or regions, with 1 appellate court in each circuit. The thirteenth court is a special appeals court with national jurisdiction. The courts of appeals have only appellate jurisdiction. Most appeals come from decisions of district courts, the U.S. Tax Court, and various territorial courts. The courts may:

- A. uphold the decision,
- B. reverse the decision, or
- C. send the case back to the lower court to be tried again.

The U.S. Circuit Court of Appeals for the Federal Circuit in Washington, D.C., hears cases from the federal claims court, the Court of International Trade, the U.S. Patent Office, and other executive agencies.

The Court of International Trade This court has jurisdiction over cases dealing with tariffs. Citizens who believe that tariffs are too high bring most of the cases heard in this court.

STUDY GUIDE (continued) Chapter 11, Section 2

1. Where do most cases heard in courts of appeals come from?

☐ Legislative Courts (page 314)

The legislative courts help Congress use its powers. For example, the power of Congress to tax led to the creation of the United States Tax Court. Legislative courts include:

United States Court of Federal Claims This court handles claims against the United States for money damages.

United States Tax Court This court hears cases related to federal taxes.

The United States Court of Appeals for the Armed Forces This is the armed forces' highest appeals court. It hears cases involving members of the armed forces convicted of breaking military law.

Territorial Courts These courts are similar to district courts in function, operation, and jurisdiction. They handle civil and criminal cases, along with constitutional cases.

Courts of the District of Columbia This is the judicial system for the nation's capital. The system handles both criminal and civil cases that need to be heard within the District of Columbia.

The Court of Veterans' Appeals This court handles cases arising from veterans' claims for benefits.

Foreign Intelligence Surveillance Court This court is authorized to approve wiretaps and searches of anyone suspected of "terrorism or clandestine activity." Warrants from this court can be issued without probable cause.

2. What kinds of cases does the Court of Appeals for the Armed Forces hear?

☐ Selection of Federal Judges (page 316)

The Constitution provides that the president, with the advice and consent of the Senate, appoints all federal judges. Judges in constitutional courts serve "during good behavior," which, in practice, is for life. Thus, federal judges are free from public or political pressures when deciding cases.

Presidents favor judges who belong to their own political party. Also, when one party controls both the presidency and Congress, Congress is more likely to create additional judgeships. Because judges serve for life, presidents view judicial appointments as a way to continue their influence beyond the time they spend in the White House.

Presidents commonly follow the practice of senatorial courtesy. A president submits the name of a judicial candidate to the senators from the candidate's state before submitting it for formal Senate approval. If either or both senators oppose the nominee, the president usually withdraws the name and nominates another candidate. Senatorial courtesy is not used with the nomination of a Supreme Court justice because that is considered a national selection rather than a regional one.

Federal judges have held a variety of positions—law professors, members of Congress, attorneys, and state court judges. In recent decades, women, African Americans, and Hispanics have been appointed to more and more federal judgeships.

3. Why do presidents nominate judges who share their views?

STUDY GUIDE Chapter 11, Section 3

For use with textbook pages 320–326.

THE SUPREME COURT

KEY TERMS

riding the circuit Traveling to hold court in a justice's assigned region of the country (page 320)

opinion 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 attorney general (page 322)

DRAWING FROM EXPERIENCE

Suppose your class is ordering pizza. Unfortunately, no one agrees on the toppings. Someone has to have the “final say,” or no one will eat. In the federal court system, the Supreme Court has the “final say.”

This section focuses on the jurisdiction and justices of the Supreme Court.

ORGANIZING YOUR THOUGHTS

Use the graphic organizer below to help you take notes as you read the summaries that follow. Think about the characteristics of most Supreme Court justices and the qualifications presidents look for.

Characteristics of Justices	Qualifications for Presidential Choices

Introduction (page 320)

The Supreme Court has final authority in cases involving the Constitution, acts of Congress, and treaties with other nations. The Court's decisions are binding on all lower courts. Today nomination to the Supreme Court is a high honor. In 1891, justices felt differently. They earned much of their pay **riding the circuit**. This meant they traveled to hold court in their assigned region of the country. This travel was grueling. Now the Court hears all its cases at the Supreme Court building in Washington, D.C.

STUDY GUIDE (continued)

Chapter 11, Section 3

☐ Supreme Court Jurisdiction (page 321)

The Supreme Court has original jurisdiction in:

- A. cases involving representatives of foreign governments, and
- B. certain cases in which a state is a party.

The Supreme Court's original jurisdiction cases form an average of only about five cases a year. Most cases fall under the Court's appellate jurisdiction. The Court hears cases that are appealed from lower courts of appeals. It may hear cases from federal district courts where an act of Congress was held unconstitutional. The Court may also hear cases that are appealed from the highest court of a state. In such cases, the court has the authority to rule only on the federal issue involved, not on any issues of state law. For example, a state court may try a person accused of violating a state law. During the trial, the person may claim that the police violated his or her Fourteenth Amendment rights at the time of the arrest. The defendant may appeal to the Supreme Court. The Supreme Court may decide whether the defendant's Fourteenth Amendment rights were violated, but not whether the person violated state law.

1. In what two kinds of cases does the Supreme Court have original jurisdiction?

☐ Supreme Court Justices (page 321)

The Supreme Court includes the chief justice of the United States and eight associate justices. Although the number of justices is well established at nine, Congress has the power to change the number. Under the Constitution, Congress has the power to remove a justice through impeachment. However, no Supreme Court justice has ever been removed through impeachment.

The main duty of the justices is to hear and rule on cases. This duty involves the following tasks:

- A. Deciding which cases to hear from the thousands appealed to the Court each year
- B. Deciding the cases itself
- C. Determining the Court's opinion, or explanation of its decision

The chief justice has the additional duties of:

- A. Presiding over discussions of the cases
- B. Acting as leader in the Court's judicial work
- C. Helping to administer the federal court system

The justices also have limited duties related to the 12 federal judicial circuits. One Supreme Court justice is assigned to each circuit; three of the justices handle two districts each. Occasionally, justices take on additional tasks. For example, Chief Justice Earl Warren headed the commission that investigated the assassination of President Kennedy. However, justices avoid involvement in activities that might prevent them from dealing fairly with one side or the other in a case. For example, a justice might have a personal or business connection with one of the parties in a case. The justice usually excuses himself or herself from taking part in that case.

In 1882 Justice Horace Gray hired the first law clerk. The clerk worked mainly as Gray's servant and barber. Today law clerks help justices with the following jobs:

STUDY GUIDE (continued) Chapter 11, Section 3

- A. Reading all the appeals filed with the Court
- B. Writing memos summarizing the key issues in each case
- C. Helping prepare the Court's opinions by doing research and writing first drafts

The justices hire their law clerks from among the top graduates from the best law schools in the nation. The clerks usually work for the justices from one to two years. After leaving, many clerks go on to important careers as judges, law professors, and even Supreme Court justices.

More than 100 men and 2 women have served as Supreme Court justices. Most Supreme Court justices have the following characteristics:

- A. Law degree and considerable legal experience
- B. Experience as a state or federal court judge or attorney general
- C. Aged fifty or older, although 10 were younger than fifty
- D. Upper class background
- E. Native-born citizenship. Only six justices have been born outside the United States, and George Washington appointed three of them

2. What are the three main tasks of Supreme Court justices?

Appointing Justices (page 323)

The Senate does not always approve presidents' choices for justices. The Senate rejected President Reagan's nomination of Robert Bork in 1988. Presidents usually choose a candidate who belongs to the same party and who shares the president's views. However, justices can be unpredictable. President Eisenhower appointed Earl Warren as chief justice because Eisenhower believed Warren would support conservative views. The Warren Court turned out to be the most liberal in the nation's history.

The American Bar Association (ABA) is the nation's largest national organization of lawyers. A special committee of the ABA rates possible candidates as "qualified" or "not qualified." The ratings of the ABA may or may not influence the president or Senate.

Other interest groups try to influence the nominating process. For example, the National Organization for Women (NOW) opposes nominees who are against women's rights. Other interest groups focus on the attitudes of potential justices to *Roe v. Wade*, the historic case that sets down the conditions under which a woman can legally obtain an abortion.

Members of the Supreme Court sometimes influence the selection of new justices. They may lobby the president for a certain candidate or write letters of recommendation supporting candidates that have been nominated. For example, in 1981 Sandra Day O'Connor received a strong recommendation from her former law school classmate Justice William Rehnquist.

3. Which groups try to influence the selection of Supreme Court justices?
