

UNIT THREE

Article 3—What Is the Judicial Branch and How Does It Work?

Chapter 12. What Are the Courts and What Are the Rules About Judges? Article 3, Section 1

Reading for a Purpose

1. How are the number and types of courts created?
2. How are judges protected by the Constitution?

unconstitutional (un-kon-stih-TOO-shuh-nul) Being against the Constitution; not according to the Constitution.

legal (LEE-gul) Allowed by, or a part of, the law.

Knowing New Words

courts (KOHRTS) Places where trials are held.

justices (JUS-tis-is) Judges.

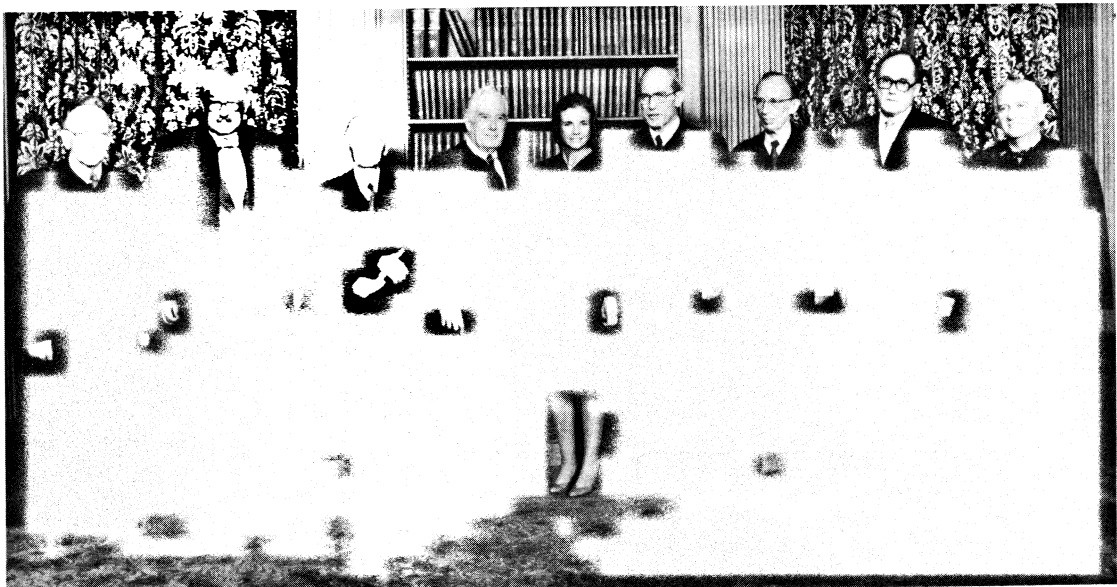
supreme (suh-PREEM) The highest.

judicial power (joo-DISH-ul POU-ur) The ability to decide a question about the law in a court.

try (TRY) To listen to a case, to examine it, and to reach a decision about it; to decide by law whether or not a person is guilty.



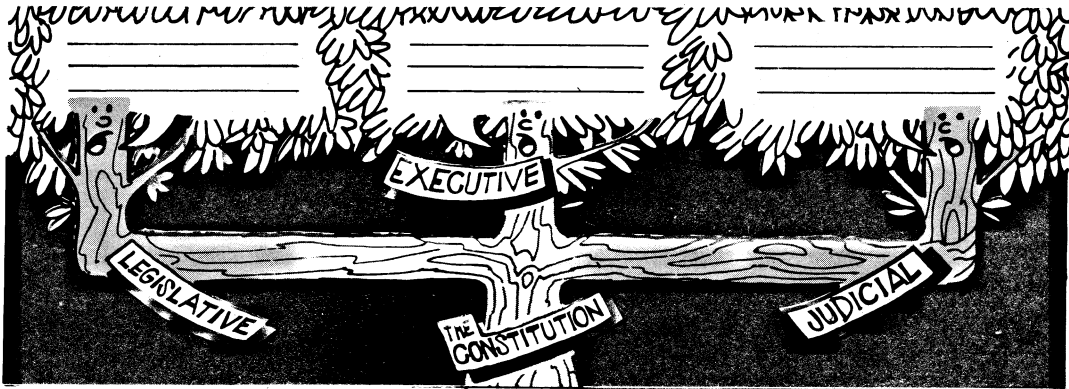
Article 3 is about the power of the **courts**. The Constitution gives Congress the right to say how many **justices** there are on the highest court, the **Supreme Court**. It also gives Congress the right to say how many courts there will be. The courts make up the third branch of government. They have **judicial power**. Courts **try** cases to settle arguments. Only the 11th Amendment has changed anything in this article.



Justices of the U.S. Supreme Court

Writing and Thinking

You have read that the Constitution set up three branches of government. In this cartoon, you can see the three branches. Write in the space what each branch is saying about what it does. Use the sentences listed below the cartoon.



"I CARRY OUT
THE LAW."

"I WRITE
THE LAWS."

"I SAY IF THE LAWS AND THE WAY
THEY ARE CARRIED OUT ARE RIGHT."

Reading the Constitution

Read this part of the Constitution. Then answer the questions that follow it.

Article III

Section 1—The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Article 3, Section 1

What is judicial power?

Judicial power is given to the Supreme Court. It is also given to lower courts Congress wants to set up. The judges in these courts keep their jobs for life. However, they can be removed from office if they are found to have done something really wrong. (They must be impeached and convicted before they can be removed from office.) They are to be paid for their work. This pay cannot be made less while they keep their jobs.

Understanding What You Have Read

Write **T** next to each statement that is true and **F** next to each false one.

- _____ 1. The number of courts the Constitution sets up by name are 3.
- _____ 2. The power to decide a question about the law in a court is called civil rights.
- _____ 3. Courts other than the Supreme Court can be set up by Congress.
- _____ 4. The highest, most important court is called the Court of Appeals.
- _____ 5. The number of judges the Constitution says are to sit on the Supreme Court is left up to Congress to decide.

You Be the Judge

One of the greatest powers the nation's courts has is not written in the Constitution! It is the right to say that a law is **unconstitutional**.

Suppose you are the judge for these court cases. As you decide each of these cases, do the following: (1) Say if the action is constitutional (allowed by the Constitution) or unconstitutional. (2) Tell where in the Constitution you got your answer. (3) Tell whether or not you would allow the action in the case to happen. The first one has been done for you as an example.

1. Suppose Congress has just passed a law that says that all judges must quit when they are 70. A judge who is 80 takes this case into your court. She doesn't want to quit. What do you decide?

Answer: My court says that she can stay in her job. The law is unconstitutional. The only reason that a judge has to leave office is if that judge does something really wrong. In such a case, the judge would have to be impeached and convicted. The Constitution says this in Article 3, Section 1. The 80-year-old judge does not have to quit.

2. Until 1981 there had never been a woman on the Supreme Court. In that year President Reagan picked Sandra Day O'Connor to be on the Supreme Court. A law case has come to your court. It seems that a group of citizens are saying that only men can be on the Supreme Court. You be the judge. What do you decide?

Answer: _____

3. A majority of the members of Congress are angry because some of their laws have been called unconstitutional by the Supreme Court. Congress wants a law to cut the pay of each Supreme Court judge in half. The president agrees with Congress. Congress then passes a law that allows the pay of Supreme Court justices to be cut by up to one-half. In a case that comes to your court, a citizen claims that this pay-cut law is not **legal**. You be the judge. What do you decide?

Answer: _____

Chapter 13. What Are the Rules for a Trial in National Courts?

Article 3, Section 2

Reading for a Purpose

1. What kinds of cases can the national courts act on?
2. How much power do the national courts have?
3. What cases does the Supreme Court hear?
4. Who gets a trial by jury?



The Constitution only sets up one court system, the national courts. But there are two main systems of courts. There are national courts and state courts. Each state writes many laws about things like murder, starting fires, drunken driving, even about things like having schools. Who has **jurisdiction** when laws the states have written are broken? The jurisdiction for the trial goes to a state court. When

the laws Congress has written (national laws) are broken, then jurisdiction goes to a national court. The Constitution lists in Article 3, Section 2, clause 1, which cases go to national courts.

Knowing New Words

jurisdiction (joor-is-DIK-shun) The right and power of a court to hear a given type of case.

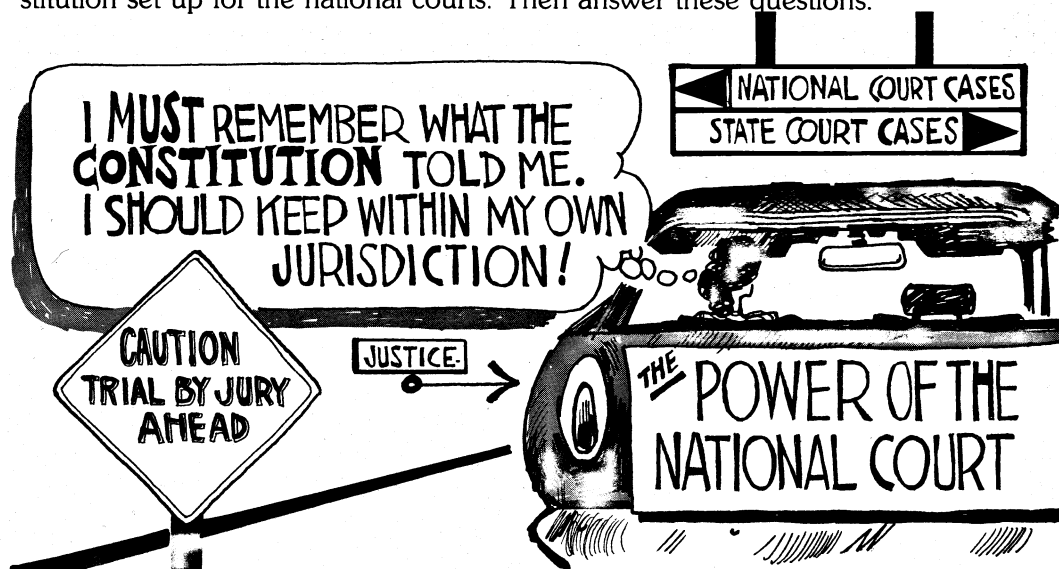
versus (VUR-sus) Against.

appeal (uh-PEEL) Asking a higher court to hear a case.

jury (JOOR-ee) A group of people who are chosen according to law to listen to a case in court and reach a decision about the case.

Writing and Thinking

Study this cartoon carefully. It tells you about some of the rules that the Constitution set up for the national courts. Then answer these questions.



1. Are there any limits on the powers of the national courts?

2. What two major systems of courts are there?

- After reading Article 3, Section 2, of the Constitution, come back to what you have written for the Writing and Thinking activity on page 61. Make any changes that would make your answers better.

Reading the Constitution

Read this part of the Constitution. Then answer the questions that follow it.

Section 2—The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—~~between a State and citizens of another State;~~—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

Article 3, Section 2.

What is the jurisdiction of the national courts?

Clause 1. The national courts have the right to try many kinds of cases. The national courts can rule on all cases having to do with the Constitution and the laws of the United States. They can try cases dealing with treaties made by the United States. They can settle cases involving other governments' representatives in the United States. They can try cases having to do with shipping or ships. National courts can hear cases in which the United States is a part. They can hear cases between two or more states. [Note to students: National courts used to hear cases between a state and people of another state. This was changed by the 11th Amendment in 1798.] The national courts hear cases between people of different states. They hear cases where people from the same state both claim to own land in another state. They also hear cases of states or Americans *versus* other countries or the people of other countries.

What cases does the Supreme Court hear first? What cases does it hear on appeal?

Clause 2. The Supreme Court has two types of jurisdiction. (1) It can *hear a case for the first time* if the case involves a representative of another country or if one of the states is in the case. All other kinds of cases are tried in the lower courts first. (2) The Supreme Court can *hear a case on appeal from a lower court*. This means it can review the ruling of a lower court. Congress decides what cases may be appealed.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Who gets a trial by jury?

Clause 3. Cases of impeachment are not tried by a jury. Cases dealing with crimes that can be tried in the national courts must be trials by jury. The trial should be held in the state where the national law was broken. If the crime took place outside of a state (such as on a ship at sea), Congress will say where the trial will be held.

Understanding What You Have Read

Choose the words that best complete each statement. Write the letter of your answer in the blank next to the number.

- _____ 1. The right of a court to hear a given type of a case is
- a trial.
 - its jurisdiction.
 - its right of appeal.
- _____ 2. The national courts have jurisdiction over
- all cases about the Constitution.
 - cases about ships or shipping.
 - both *a* and *b*.
- _____ 3. The Supreme Court's jurisdiction covers
- a case heard for the first time when another country is part of the case.
 - a case heard for the first time if it deals with state laws about drunken driving.
 - both *a* and *b*.
- _____ 4. Deciding what type of cases can be appealed is up to
- Congress.
 - the Supreme Court.
 - the people in the case.
- _____ 5. The type of case not tried with a jury is a case
- about breaking a national law.
 - about the Constitution.
 - of impeachment.
- _____ 6. A trial for a crime that can be tried in a national court should be held
- in the state where the law was broken.
 - within 60 days.
 - where the person on trial lives.

Chapter 14. What Is Treason and How Are People Punished for It? Article 3, Section 3

Reading for a Purpose

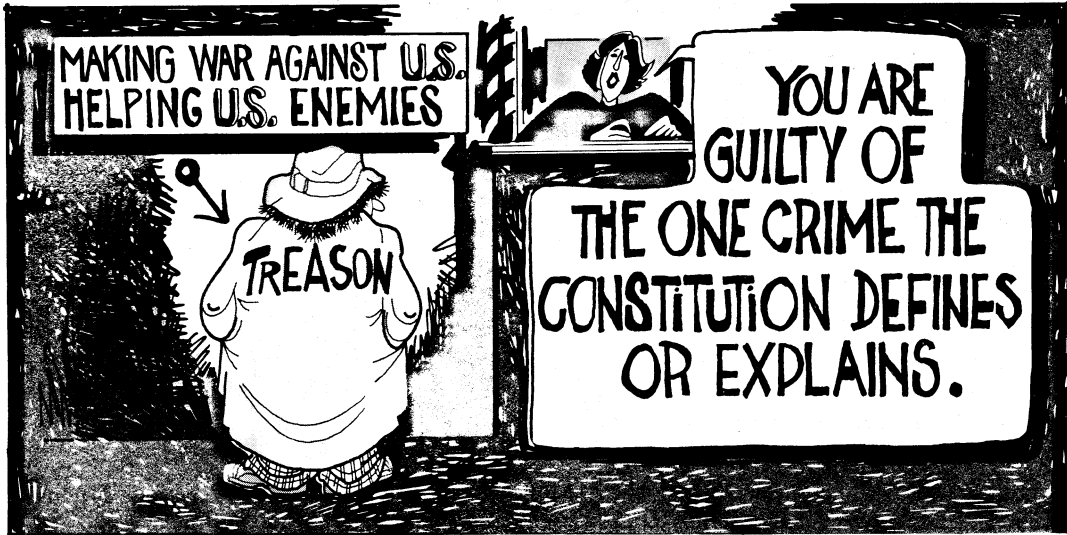
1. What is treason?
2. How is treason punished?

Knowing New Words

convict (kun-VIKT) Prove and decide that a person is guilty of a crime.

Writing and Thinking

Study the cartoon. Then answer these questions in complete sentences.



1. What is the person guilty of?

2. What one crime is explained in the Constitution?

3. What are two things a person might do to be guilty of treason?

4. Do you think that it would be easy or hard to convict someone of treason?

- After reading Article 3, Section 3, come back to what you have written on page 64. Make any changes that would make your answers better.

Reading the Constitution

Read this part of the Constitution. Then answer the questions that follow it.

Section 3—Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Article 3, Section 3 What is treason?

Clause 1. Treason against the United States can mean a person has done one or both of the following actions. Treason can mean making war against your country. Treason can mean giving help to your country's enemies.

As part of convicting a person of treason one of two things must be done. One is for at least two witnesses to say in court that they saw the accused person do the same act of treason. The other is for the person who is on trial to admit being guilty in open court.

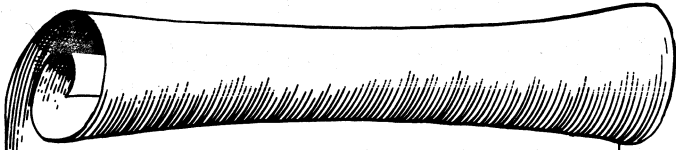
Clause 2. Congress has the power to pass laws about how treason is punished. Only the guilty person can be punished. That person's family and children cannot be punished because of the treason.

Understanding What You Have Read

Choose the words that best complete each statement. Write the letter of your answer in the blank next to the number.

- _____ 1. Treason is
 - a. making war against your country.
 - b. helping your country's enemies.
 - c. both a and b.
- _____ 2. The rules about how people convicted of treason are to be punished are made by
 - a. the president.
 - b. Congress.
 - c. the Supreme Court.
- _____ 3. When the court rules that someone broke the law, that person is
 - a. found guilty.
 - b. appealed.
 - c. convicted of treason.

Unit Three: Reviewing Article 3 of the Constitution



I. Understanding What You Have Read

Hear ye. Hear ye. The judicial branch of government interprets the law. Article 3 of the Constitution tells us about the judicial branch. Fill in the blanks with the missing words. Make your choice of words from the list next to the scroll.

- _____ power is the power to _____
1 2
a question of law in a _____
3
- That power is given to the _____ Court and
4
other courts set up by _____
5
- The _____ keep their jobs for _____
6 7
unless they do something really _____
8
- The _____ of the national courts covers
9
many cases.
- National courts can rule on questions about the _____
10
and the _____ of the United States.
11
- They can try cases dealing with _____
12
with other nations.
- They may also hear cases about _____
13
- The _____ Court has jurisdiction to hear a case
14
for the first time if the case involves a _____
15
of another _____
16
- It can also hear a case on _____ from a
17
lower court.
- A trial of _____ is held without a jury.
18

Choose the best words for blanks 1–8:

judicial
life
Supreme
Appeals
wrong
decide
judges
Senate
Congress
court
7 years

Choose the best words for blanks 9–18:

Constitution
impeachment
judges
appeal
Supreme
jurisdiction
Congress
laws
shipping
country
murder
treaties
person
representative

