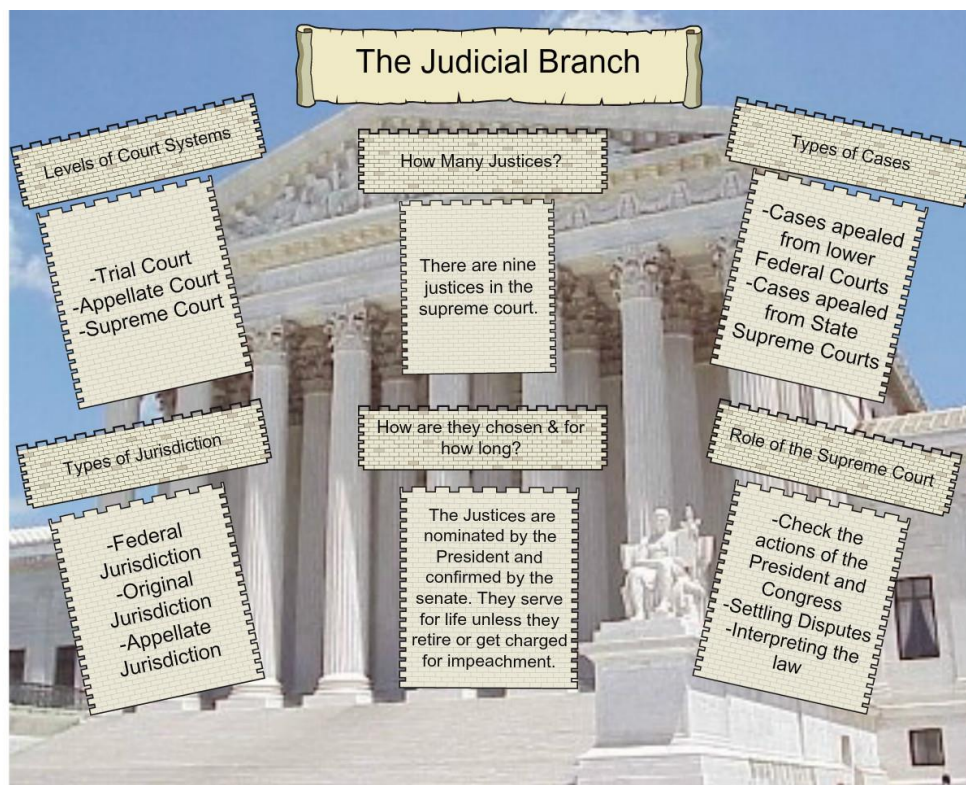
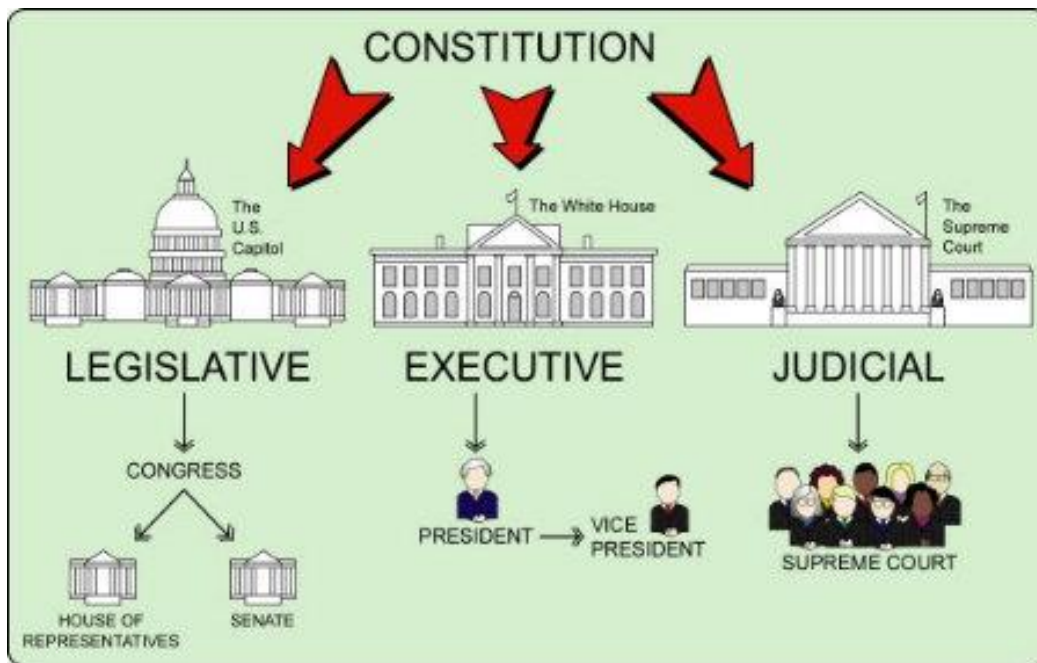


The Judicial Branch

OBJECTIVES

- Explain the need for laws and a legal system.
- Describe the structure and role of courts in our legal system.
- Describe the impact of landmark Supreme Court decisions.



- The *Judicial Branch* of the federal government is made up of the Supreme Court and over 100 federal courts.
- All courts perform the same function: to apply the law to an actual situation – settle disputes.
- The Constitution creates the framework for the federal court system in Article III:

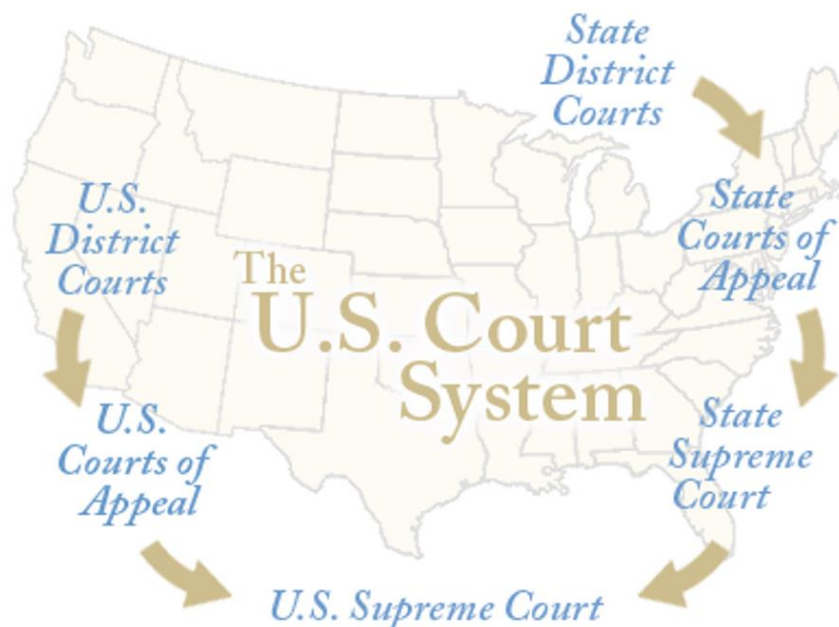
“The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.”
- The Judiciary Act in 1789 created the district courts and court of appeals

The Guiding Principles of the American Legal System

14th Amendment:

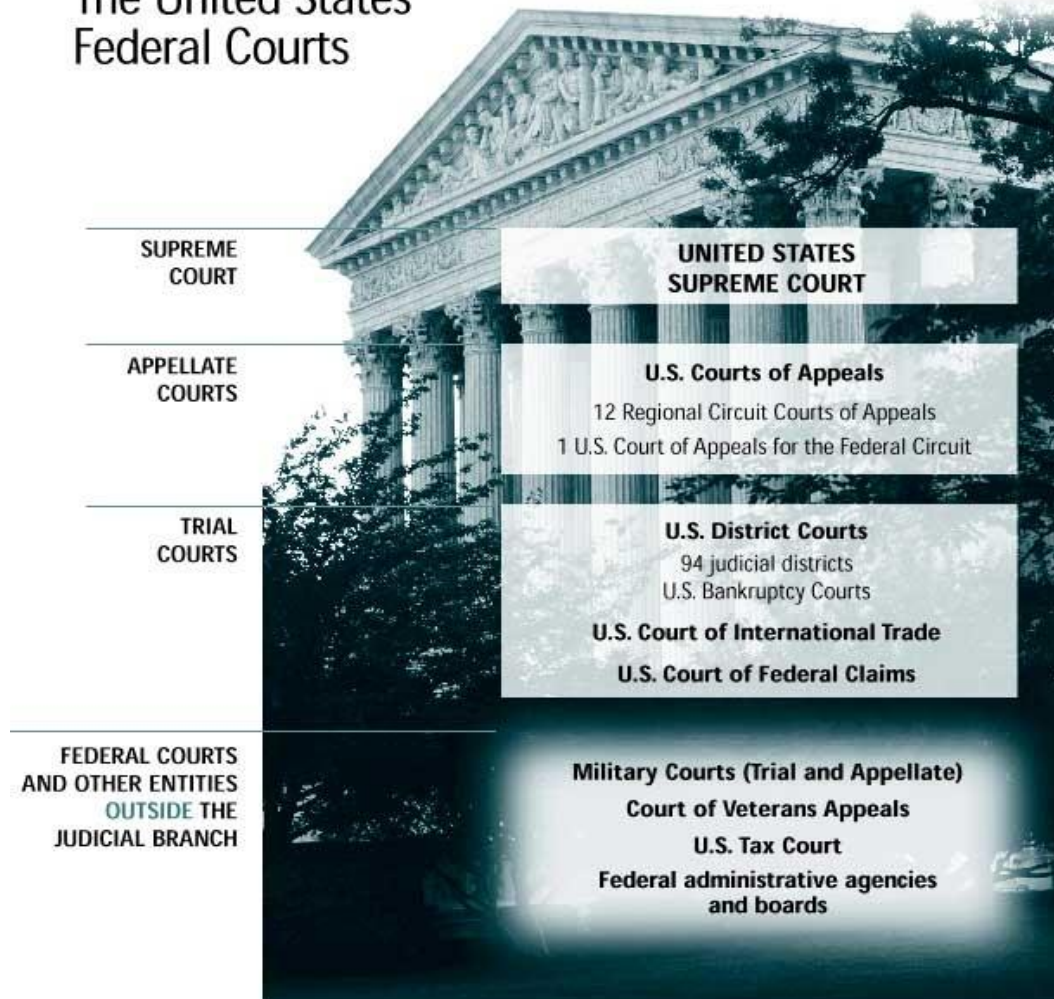
“No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

1. **“Equal Justice Under the Law”**
 - Treat all people alike under the law
 - All Constitutional freedoms belong to all of the people
2. **“Due Process of Law”**
 - Law must be applied in a fair manner
 - Procedures must guarantee the rights of all citizens under the Constitution
3. **“The Adversary System”**
 - The Courtroom is the arena - competition
 - Both sides present their strongest cases
 - The judge or jury decides the winner
 - Prosecution vs. Defense – competitive
4. **“Presumption of Innocence”**
 - The accused is *“innocent until proven guilty”*
 - The prosecution must prove the person is *“guilty beyond a reasonable doubt”*



- Federal Courts hear two kinds of cases:
 1. Cases involving federal laws and issues beyond the authority of individual states.
 - Federal courts have *original jurisdiction* in these cases
 2. Cases appealed from state supreme courts.
 - These cases must involve a federal law or a constitutional issue
 - They are heard only by the Supreme Court

The United States Federal Courts



The Organization of the U.S. Court System

1. District Courts
 - The Federal Trial Court has *original jurisdiction*
 - At least one District Court in each State
 - Cases can be decided either by a judge or a jury
2. Courts of Appeals
 - 12 Judicial Circuit Courts in each state
 - May only rule on errors of law
3. The Supreme Court
 - The highest court in the land
 - The last resort in questions of Federal Law
 - All cases can eventually be appealed to the Supreme Court

- There are 94 district courts scattered across the United States
- Each state has at least one district court, some have as many as four
- The number of judges in one district court ranges from 1 to 28, depending on the size of the district and its workload
- District courts are the first to hear federal cases

Judges

- A judge must be *impartial*, favoring neither one party nor the other
- A judge can only settle individual cases, but can influence the creation of laws by applying court decisions to specific cases
- All federal judges are appointed by the President and confirmed by the Senate
- They serve life terms and can be removed from office by the impeachment process
- They make TOUGH decisions

The U.S. Supreme Court

- The “Court of Final Appeals”
 - This is the highest court in the federal court system
- The major purpose of the Supreme Court is to serve as the final court of appeals for both the state and federal court systems
- The Supreme Court does have *jurisdiction* in cases involving representatives of foreign governments and disputes between state governments
- These judges sometimes make decisions which have important consequences for the entire nation

The Work of the Supreme Court

- Each year the court chooses which cases it will hear
- By law it must hear certain kinds of appeals from federal or state courts that involve federal government or federal laws
- They choose from among the more than 7,000 requests for appeal they receive from lower courts
 - The S.C. most often chooses from those cases that raise questions of Constitutionality

Supreme Court Justices

- Justices must have the highest moral standards, a thorough knowledge of the law, the Constitution, and American history
- The President selects justices from among the most respected judges, lawyers, and legal scholars in the country
 - The Senate must approve the appointment...30 have not been confirmed out of 148
 - Can only be appointed when a justice dies or retires
- 108 justices have served on the Supreme Court
 - Chief Justice earns \$186,300

- Associate justices earn \$178,300

Landmark Cases of the Supreme Court

Plessy v. Ferguson (1896)

1. Gave states the right to require that public facilities be segregated.
 - “*separate but equal*”

Brown v. Board of Education (1954)

1. Ruled that “separate but equal” facilities was unconstitutional
2. Began the process of school desegregation
 - Overturned *Plessy v. Ferguson*

Gideon v. Wainwright (1963)

1. Ruling guaranteed court-appointed counsel to poor persons facing a state felony charge
2. Rights of the accused, right to a fair trial
 - Expanded the right of criminal defendants to have a fair trial - gave defendants access to a defense attorney

Miranda v. Arizona (1966)

1. This ruling said that all people must be informed of their rights when they are arrested
 - Created the now-famous “Miranda Warnings” to help ensure that criminal suspects would not be coerced by police

“Prior to any questioning, the person must be warned that he has a right to remain silent, that any statement he does make may be used as evidence against him, and that he has a right to the presence of an attorney, either retained or appointed.”

- Chief Justice Earl Warren

Roe v. Wade (1973)

1. Case made abortion a legal procedure and affected the laws of nearly all the states – HIGHLY controversial decision!
2. The “right to privacy” is a fundamental right – 14th Amendment

United States v. Nixon (1974)

1. Established that the President is not above the law.
 - Courts have the power to order the president to produce tapes or documents for review.
2. The court wanted to review evidence pertinent to the Watergate case (tape recordings)
 - Nixon refused to give them to the court, citing the power of “Executive Privilege” - The Supreme Court ruled that the tapes must be turned over
 - HOWEVER - they also ruled that there was a constitutional basis for “Executive Privilege” – confidentiality relating to national security (“CLASSIFIED”)