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# The Judicial Branch

American Government Unit Companion

**Directions**

* Complete Prepare and Strategies for Success sections before you begin a unit.
* Complete Summaries and Reflect and Review sections before you take the unit assessment.
* For more details about each section, return to the course overview unit.

## Prepare icon. Prepare

Throughout the Judicial Branch unit, you will explore the following Essential Questions.

### Essential question icon. Essential Questions

* What makes an effective judge?
* How much power should the judicial branch have?
* In what ways has the Supreme Court interpreted the Constitution differently over the years?
* How effective has the judicial branch been in securing rights afforded by the Constitution and the Bill of Rights?

In Lessons 1–4, you will learn about these topics:

* the need for a national judiciary
* selection of federal judges and Supreme Court justices
* the federal court system’s jurisdiction, or the authority to hear cases
* the Supreme Court and the power of judicial review
* the structure and roles of the lower courts

At the end of Lesson 4, you will take a cumulative quiz.

In Lessons 5–9, you will learn about the following topics:

* civil rights and liberties are protected in the Constitution and Bill of Rights
* the Supreme Court’s take on religious freedom and the separation of church and state
* how the Supreme Court has interpreted First Amendment rights and limitations on speech, press, and assembly
* applying the Constitution to determine if laws are constitutional, or legal

In Lesson 9, you will write a judicial opinion and take part in a discussion.

You will review the unit in Lesson 10 before taking a cumulative test in Lesson 11.

## Strategies for success icon. Strategies for Success

### Evaluate Arguments

Without probably realizing it, each day you are evaluating arguments. When you evaluate, you are judging something and making a decision. Was that math test fair? Are those headphones worth $300? Is that actor a genius or overrated?

Now think about the last time you made an evaluation. At some point you probably studied the arguments, or set of reasons, on both sides of the issue. A successful argument contains evidence that attempts to prove whether something is right or wrong, good or bad, reasonable or unreasonable. Without giving any evidence, the argument lacks support and can only be considered a statement of opinion. Strong evidence is accurate and complete. Before you make your decision, evaluate those arguments and evidence that are used as support.

In this Judicial Branch unit, you will discover that judges apply that same type of deliberate thinking when they evaluate laws and actions. As you explore the unique powers and important role the judicial branch plays in American government, note how federal judges interpret, or explain the meaning of, laws and government actions based on their evaluation of the powers and protections provided by the Constitution.

Each time you evaluate an argument, you should do the following:

* Identify the claim, or main point, the speaker or author is trying to make.
* Find the evidence, or reasons, the speaker or author uses to back up a claim.
* Analyze the evidence. Can the evidence be proven true? You will have to research the information to ensure its accuracy. Does the language the speaker or author uses show bias, or pre-existing prejudice towards one view over another? Pay attention to the specific words the speaker or author uses in the statement. Can the conclusions of the speaker or author be connected to the evidence presented? What might be missing?

Practice evaluating arguments by studying the following legislation proposal: Congress has introduced a bill that would require every high school graduate, male or female, to complete one year of military service. Individuals choose the military branch (Army, Navy, Air Force, or Marines) and would receive room and board, and a small stipend, or allowance, for their service.

Two people are discussing this mandatory military service bill. While you read Speaker 1’s statement, evaluate the argument by identifying the claim and finding the evidence. Study the evidence—is it accurate, free of bias, and connected to the claim?

Speaker 1: Mandatory military service is anti-American. It goes against our country’s founding principles of a limited government and respect for individual freedoms. Anytime the government makes something mandatory, it makes people like myself resent the government more, not respect it.

What was the speaker’s claim?

* Mandatory military service is anti-American.

What was the evidence the speaker used to support claim?

* Mandatory national service goes against American principles such as a limited government and respect for individual freedoms.

Is the evidence accurate and complete?

* The speaker states that it goes against American principles but does not directly specify any language.

Does the language used in the statement show bias?

* In the last line, the speaker states he would resent the government more. This implies that the speaker already holds resentment towards the government and would probably view any government program with suspicion.

Does the evidence connect to the claim?

* Yes, the U.S. was founded on principles such as limited government and respect for individual freedoms. However, the speaker does not really explain this, in particular *how* the bill goes against these principles. The argument would have been stronger if the speaker used specific language from the legislation and how it goes against the language in the Constitution.

Now read the argument from Speaker 2. As you read, evaluate the argument by identifying the claim and finding the evidence. Study the evidence—is it accurate, free of bias, and connected to the claim?

Speaker 2: Yes, individual freedom is an important value in this country but there are always limitations in a democracy. For example, just because the First Amendment protects our right to free speech, the Supreme Court has ruled that this right has exceptions when it interferes with the common good. For instance, yelling “Fire!” in a crowded theater is not protected free speech. Nor do you have a First Amendment right to free speech if you spread nasty rumors about a person or verbally threaten a person’s life. Also, there are a lot of things the government makes us do if it’s for the public good. For instance, I pay taxes that go to public schools though I don’t have any kids. We are are required to wear seat belts and if we drive a car, we need proof of insurance.

What was the speaker’s claim?

* Individual freedoms are limited in a democracy.

What was the evidence the speaker used to support the claim?

* The Supreme Court has ruled that our First Amendment rights to free speech are limited.
* The government mandates, or requires, people do things in the public’s interest, like pay taxes, wear seat belts, and have car insurance.

Is the evidence accurate and complete?

* The speaker gave accurate examples of limitations.

Does the language used in the statement show bias?

* There is no obvious bias.

Does the evidence support the claim?

* Yes. Speaker 2 gave several examples to support the claim that individual freedoms can be limited in a democracy.

You will have multiple opportunities to practice these strategies throughout the unit to get you ready to for your portfolio assignment in Lesson 9.

 Summaries

You may read summaries of the Magruder’s American Government textbook pages assigned in each lesson. Decide whether you want to read them before, during, or after a lesson.

* Read before a lesson to preview the most important information ahead of time, including people, places, and events.
* Read during or after a lesson to review Magruder’s American Government pages without rereading every word.

Access the American Government Summaries through the Web Links resource by selecting the backpack icon. Read the corresponding summary with the lesson.

* Lesson 1: The Judicial Branch – An Overview
* Lesson 2: The Federal Court System
* Lesson 3: The Supreme Court
* Lesson 4: Inferior Courts and Special Courts – The Lower Courts
* Lesson 5: Supreme Court’s Protection
* Lesson 6: Supreme Court on Religious Freedom
* Lesson 7: Supreme Court on Free Speech and Press
* Lesson 8: Supreme Court on Petition and Assembly

 Reflect and Review

Before the unit assessment, use the checklist to reflect on what you have learned throughout the Foundations of American Government unit. This will help determine what content to review to prepare for the multiple question types on the assessment.

1. Read each of the statements.
2. If you agree with the statement, check the box.
3. Revisit statements that you did not check. Return to the lesson resources to review the content. Study the key words using the Glossary.

### Statements

| **[**check mark**]** | **Statement** | **Key Words** | **Resources** |
| --- | --- | --- | --- |
|  | I can explain the purpose of a national judicial branch. | * jurisdiction | * Lesson 1: Magruder’s American Government: The Judicial Branch > The National Judiciary > The Courts and Democracy * Lesson 1: Magruder’s American Government: The Judicial Branch > The National Judiciary > Creation of a National Judiciary * Lesson 2: Flipped Video: “National Judiciary” |
|  | I can describe how the federal court system is structured and organized. | * legislative courts * territorial courts * district courts * jurisdiction | * Lesson 4: Magruder’s American Government: The Judicial Branch > The Inferior and the Special Courts > The Structure and Role of the Federal District Courts * Lesson 4: Magruder’s American Government: The Judicial Branch > The Inferior and the Special Courts > Other Special Courts * Lesson 4 > Flipped Video: “Inferior and Special Courts” |
|  | I can explain the factors in determining federal jurisdiction of a case. | * jurisdiction * exclusive jurisdiction | * Lesson 2: Magruder’s American Government: The Judicial Branch > The National Judiciary > Jurisdiction in the Federal Court System * Lesson 2: Magruder’s American Government: The Judicial Branch > The National Judiciary > Types of Jurisdiction |
|  | I can explain judicial review including the following:   * steps leading to the Marbury v. Madison case * its importance in maintaining checks and balances | * judicial review | * Lesson 3: Magruder’s American Government: The Judicial Branch > The Supreme Court > What is Judicial Review? * Lesson 3 > Flipped Video: “The Supreme Court” |
|  | I can explain how a case is heard and decided at the Supreme Court. | * concurring opinion * dissenting opinion | * Lesson 3: Magruder’s American Government: The Judicial Branch > The Supreme Court > Hearing a Supreme Court Case * Lesson 3 > Flipped Video: “The Supreme Court” |
|  | I can explain the terms and factors in appointing federal judges and Supreme Court justices. |  | * Lesson 2: Magruder’s American Government: The Judicial Branch > The National Judiciary > Federal Judges and Court Officers |
|  | I can explain the rights protected in the First Amendment and analyze how the courts has interpreted those rights. | * assemble | * Lesson 5: Flipped Video “Unalienable Rights” * Lesson 6: Magruder’s American Government: Protecting Civil Liberties > Freedom of Religion > Religious Liberty * Lesson 7: Flipped Video “Freedom of Speech and Press” * Lesson 8: Magruder’s American Government: Protecting Civil Liberties > Freedom of Assembly and Petition > Constitutional Provisions * Lesson 8: Magruder’s American Government: Protecting Civil Liberties > Freedom of Assembly and Petition > Time Manner Place Rules * Lesson 8: Magruder’s American Government: Protecting Civil Liberties > Freedom of Assembly and Petition > Public and Private Property * Lesson 8: Flipped Video:   “Freedom of Assembly and Petition” |