The Judicial Branch

CIVICS DICTIONARY

statutory law  district court
precedent  marshal
common law  subpoena
administrative law  federal magistrate
criminal law  court of appeals
petit jury  circuit
tory duty  territorial court
verdict  court-martial
hung jury  justice
jury duty  judicial review
verdict  unconstitutional
cross-examine  docket
jury  remand
jury duty  brief
testimony  opinion
appeal  concurred opinion
jurisdiction  dissenting opinion
original  jurisdiction
jurisdiction  appellate
appellate  jurisdiction
jurisdiction

Carver is the Supreme Court of the United States, where justices consider cases and decide them. Carver is the Supreme Court of the United States, where justices consider cases and decide them.
**CHAPTER 7**  THE JUDICIAL BRANCH

**Focus**

If you have ever played a sport, you know that the sport is governed by a set of rules. When a player breaks those rules, the player is penalized. What happens when players disagree about the meaning of a certain rule? In that instance, an official makes a final decision about the rule.

The U.S. government also needs officials to interpret its rules, or laws, and to punish lawbreakers. These functions are the responsibility of the judicial branch of the federal government. In interpreting the laws, the judicial branch is guided by the ideal of equal justice for all. This ideal, essential to a free nation, protects your rights and the rights of all Americans.

---

**Study Guide**

- How do the laws guarantee equal justice for all citizens?
- How is the federal court system organized?
- What role does the Supreme Court play in the court system, and how do cases reach the Supreme Court?

---

**Equal Justice Under the Law**

Carved in marble over the entrance of the Supreme Court Building in Washington, D.C., is the motto “Equal Justice Under Law.” This motto means that in the United States all citizens are considered equal and are guaranteed equal protection by the law.

**Laws for the Good of All**

American citizens enjoy freedom because the United States has laws to protect their rights. Of course, some laws limit freedom. A law against robbery, for example, denies the robber’s freedom to steal. This law gives other citizens, however, freedom to use and enjoy their personal property.

Laws usually represent majority rule, or what the majority of citizens believe to be right and wrong. When most of the people believe strongly that something should or should not be done, a law is passed on this issue. If the American people later change their position on the issue, the law can be changed. In this way laws grow and change with the times.

Every U.S. citizen has the duty to know and obey the laws, especially those that concern an activity we undertake. If you ride a bicycle, for example, you must learn about road signs and traffic regulations. Law-abiding citizens realize that laws are passed for the good of all. By learning and obeying the nation’s laws, you are practicing good citizenship.

**Kinds of Law**

There are four kinds of law in the United States. All these laws must follow the principles set forth in the Constitution, which is the supreme law of the land.

**Statutory Law** Laws that are passed by lawmaking bodies are known as statutory laws. They are passed by Congress and by state and local governments. For example, a state law that requires fire exits in all public buildings is a statutory law.

**Common Law** What happens if there is no statutory law covering a specific situation? Then we follow certain rules that have been accepted by Americans as the proper
ways in which to act. Some of these rules are based on common sense. Some are based on common practice.

For example, before automobiles became a major form of transportation, there were no laws about driving them. Suppose that someone was driving an automobile at its top speed and ran into a horse-drawn wagon, crushing the wagon. The driver of the automobile might argue that the case should be dismissed because there is no existing law regulating the speed of automobiles.

The judge might reply that there is an established principle that people cannot use their property to injure others. Thus the judge would apply the rule of common sense and common practice in such a case.

The judge's decision might be remembered by another judge hearing a similar case. Eventually, most judges might follow the same precedent, or earlier decision, in such cases. In time, those guilty of driving their automobiles recklessly would be punished according to this customary rule. This rule would become a part of the nation's customary, or common, law. Thus common law is law that comes from judges' decisions.

In time, most common law is passed as statutory law by the nation's lawmaker bodies. In this way, it is written down so that all of the nation's citizens may know it.

Administrative Law Many of the laws that affect our daily lives are made by government agencies. These laws are known as administrative laws. For example, the Consumer Product Safety Commission (CPSC) makes an administrative law when it rules that a particular toy is unsafe and must be taken off the market immediately.

Constitutional Law The U.S. Constitution, as you know, is supreme above all other types of law. Therefore, if any law comes into conflict with the Constitution, the Constitution prevails. Constitutional law is law based on the Constitution of the United States and on Supreme Court decisions interpreting the Constitution.

Role of the Courts

Courts use the different kinds of law to settle disputes. Disputes between people, disputes between people and the government, and disputes between governments are brought before a court. The court applies the law and reaches a decision in favor of one side or the other.

To be just, a law must be enforced fairly. For example, it is against the law for workers in a nuclear power plant to give or sell secrets about their work to a foreign government. What might happen if an FBI agent found an engineer who worked in a nuclear power plant talking to a foreign spy? Could the federal government arrest the engineer on suspicion of treason and put the engineer in prison for years? The answer is no. Even though the crime is serious, under the U.S. system of justice the engineer, like any accused person, must be given a fair public trial.

To guarantee justice, U.S. law assumes that a person is innocent until proven guilty. The proper way to determine whether or not a person is guilty is to hold a trial in a court of law. The courts are made up of persons who have been given the authority to administer justice. Americans believe that only a system of courts can assure equal justice to all people.

Right to a Fair Trial

The Constitution guarantees every American the right to a fair public trial. It is important to understand this guarantee as you study the federal court system and the principle of equal justice under the law. What does the right to a fair trial mean? Consider the example of the engineer who is accused of giving secret information to a foreign government.

Right to Have a Lawyer All persons accused of crimes are entitled to the services of a lawyer. The lawyer will represent them in court and help protect their rights. If the engineer cannot afford a lawyer, the court will appoint one and pay the lawyer's fees out of public funds.
Right to Be Released on Bail A person accused of a crime does not usually spend months in prison waiting for a trial. Usually the accused person may be released if he or she can put up bail.

Bail, as you have learned, is a sum of money deposited with the court as a pledge that the accused will appear in court at the time of the trial. The amount of bail is set by a judge. A person accused of a serious crime, such as murder or treason, however, may be denied bail by the court and have to remain in jail until the trial is held.

Indictment by a Grand Jury Because a person is arrested on suspicion of a crime does not mean that this person will go to trial. There must be enough evidence against someone to justify bringing that person into court for trial. As you know, the group that decides whether there is enough evidence to bring the accused person to trial is the grand jury. In federal courts, the grand jury is made up of 12 to 23 citizens who live in the court district in which the trial is to be held.

The grand jury examines the evidence against the accused person. It questions witnesses and investigates the facts. If a majority of grand jury members decides that the evidence against the accused is strong enough, the person is indicted, or formally accused of a crime. In the case of the engineer, the grand jury finds the evidence strong enough. The engineer is indicted and held for trial.

Right to a Jury Trial Individuals who go on trial must be judged on the basis of the evidence for and against them. But who shall judge the evidence? The Sixth Amendment to the Constitution guarantees an accused person the right to be tried before a trial jury. A trial jury is also called a petit jury. It is usually made up of 6 to 12 persons who live in the community. The men and women of the trial jury are called jurors.

Jurors on trial juries and grand juries are selected from a list of people who live in the community. A court official selects the names at random and sends notices ordering the people to report for jury duty. From this group, or

The right to a jury trial is a cornerstone of the U.S. justice system. This system relies on the willingness of all citizens to serve on juries.
The Right to a Fair Trial

- The right to have a lawyer
- The right to be released on reasonable bail before the trial is held
- The right to be considered innocent until proven guilty
- The right to expect the grand jury to find enough evidence before an indictment is made
- The right to a jury trial
- The right to not testify against oneself
- The right to hear and question all witnesses
- The right to appeal the verdict if there is reason to believe that the person did not receive a fair trial

Panel of jurors, the required number of jurors is chosen for the trial.

The trial jury must try to reach a decision, or verdict, in the case. Usually the jury’s verdict must be a unanimous vote. This means that all the members of the jury must agree on whether the accused person is guilty or innocent of the charges. If a jury cannot reach a verdict, it is called a hung jury. Usually a new trial with a new jury is held.

Innocent Until Proven Guilty

The burden of proof in a jury trial rests with those people who bring charges against the person on trial. They must prove their case “beyond a reasonable doubt.” Accused persons cannot be forced to testify against themselves. Their lawyers have the right to cross-examine, or question, witnesses to ensure that their testimony, or evidence given in court, is accurate. Accused persons have the right to call their own witnesses to defend themselves.

Suppose the engineer accused of selling secrets is found guilty by a trial jury. This means the jury believes that the lawyers for the government have proved the engineer’s guilt beyond a reasonable doubt.

Right of Appeal

Because courts are made up of human beings, they sometimes make mistakes. To ensure that cases are decided fairly, the U.S. court system provides the right to appeal, or to ask for a review of the case. If there is reason to doubt that the engineer received a fair trial, the engineer can appeal to a higher court.

**SECTION 1 REVIEW**

1. Define or identify the following terms: statutory law, precedent, common law, administrative law, constitutional law, petit jury, juror, jury duty, verdict, hung jury, cross-examine, testimony, appeal.

2. How does majority rule affect the making of laws? Why is it the duty of citizens to obey laws?

3. What are the four types of law found in the United States? Which type prevails?

4. What is the role of the courts?

5. What must people who bring charges prove in court?

6. Why do people found guilty of crimes have the right to appeal?

7. **Thinking Critically** Create a chart with two columns. In one column list the eight rights to a fair trial given to persons accused of crimes. For each right you have listed, explain in the other column what might happen if accused persons did not have this right.
The Federal Court System

Under the federal system of government, the United States has two court systems. One is the federal court system. The other is the system of state courts. (You will read about the state court system in Chapter 8.)

Article 3 of the U.S. Constitution provides that “the judicial power of the United States shall be vested in one Supreme Court, and in such inferior [lower] courts as the Congress may from time to time . . . establish.” The First Congress used this constitutional power to set up a system of federal courts.

In 1789 Congress passed the Judiciary Act, which established what has grown into one of the great court systems of the world. This system of federal courts makes up the judicial branch of the federal government.

Cases Tried in Federal Courts

The Constitution grants the federal courts jurisdiction in several different kinds of cases. Jurisdiction means the authority to interpret and administer the law. Listed below are the kinds of cases that are brought to trial in federal courts:

- any person accused of disobeying any part of the U.S. Constitution, including its amendments
- anyone accused of violating a U.S. treaty
- anyone accused of breaking laws passed by Congress
- charges brought by a foreign nation against the U.S. government or a U.S. citizen
- crimes committed on U.S. ships at sea
- U.S. ambassadors and consuls accused of breaking the laws of the nation in which they are stationed
- crimes committed on certain types of federal property
- disagreements between the states [The Eleventh Amendment, however, provides that any lawsuit against a state brought by a citizen of another state or of a foreign country shall be tried in a state court.]
- lawsuits between citizens of different states [Most federal court cases are of this type.]

Organization of the Federal Courts

The federal courts are organized into several levels. They are also classified according to their jurisdiction. The lowest courts are trial courts, which have original jurisdiction. That is, they have the authority to be the first courts in which most federal cases are heard.

Above these trial courts are courts that have appellate jurisdiction. That is, they review decisions made by lower courts. The word appellate means “dealing with appeals.” Every convicted person has the right to appeal to an appellate court. An appeal is usually made when lawyers believe the law was not applied correctly in the lower court. A case can also be appealed if new evidence is found.

U.S. District Courts

There are three main levels of federal courts. The chart on page 120 is an organizational chart of the courts in the federal system.

At the base of the federal court system are the district courts. There is at least one district court in each of the 50 states and in the District of Columbia. Some of the larger states are divided into as many as four federal court districts, each with its own district court. Today there are 91 federal district courts in the United States and its territories.

The district court is the only federal court in which jury trials are held. District courts have original jurisdiction in most federal cases. They cannot hear appeals from other courts.

The Constitution is definite about where federal cases shall be tried. Article 3, Section 2, states in part that “such trial shall be held in the State where the said crimes shall have been committed. . . .”
The reason for this provision is to ensure that the accused person receives a fair and convenient trial. The witnesses who will testify are usually close at hand. No one has to travel long distances to be heard. Furthermore, the jury will be familiar with the location of the crime, and it can judge the truth of the evidence more fairly.

**District Court Officials**

Each district court has from 2 to 28 judges, depending on the caseload of the individual court. All district court judges, except those in U.S. territories, are appointed for life. District court judges decide matters of court procedure and explain the law involved in the case to the jury. They decide the punishment if the accused person is found guilty.

A number of other officials help the district courts work smoothly. Each district court has a U.S. marshal. Marshals arrest persons accused of breaking federal laws. They also deliver official court orders, called subpoenas, that require persons to appear in court. In addition, U.S. marshals keep order in the district courtrooms and see that the courts' verdicts are carried out.

**The U.S. Court System**

The next level consists of cases that courts cannot decide. For this reason, cases are appealed to the Court of Appeals for the Federal Circuit. The Court of Appeals for the Federal Circuit is a federal court with limited jurisdiction over cases in which a federal question is involved.

The Supreme Court of the United States is the highest court in the land. It is the final court of appeal for cases decided by lower courts. The Supreme Court reviews cases in which a federal question is involved. The Supreme Court is the final court of appeal for cases decided by lower courts.
District court officials also include **federal magistrates**. These officials hear the evidence against accused persons and decide whether the cases should be brought before a grand jury. Magistrates also hear some minor cases.

Another district court official is the U.S. attorney. This official is a lawyer for the federal government. It is the job of the U.S. attorney to prove to a jury that the accused person is guilty of the federal crime he or she is charged with committing.

**U.S. Courts of Appeals**

The next level of the federal court system consists of **courts of appeals**. These courts review cases that are appealed from the district courts. Courts of appeals also hear appeals from decisions of federal regulatory commissions. For instance, a railroad company might believe that the rates for fares set by the Interstate Commerce Commission are unfair. If so, the railroad company can ask a court of appeals to review the commission’s decision.

There are 12 U.S. courts of appeals. Each court of appeals covers a large judicial district known as a **circuit**. The 50 states are divided into 11 circuits. The twelfth circuit is the District of Columbia. There is also a court of appeals for the federal circuit. This court of appeals has national jurisdiction.

Each court of appeals has 6 to 28 judges. The senior judge of each circuit serves as the chief judge. The judges of the courts of appeals are appointed for life.

Jury trials do not take place in the courts of appeals. Instead, a panel of at least three judges reviews the evidence and makes the decision. The judges examine the records of the district court trial and hear arguments by the lawyers for both sides. The judges do not determine whether the accused person is guilty or innocent. They are not holding another trial of the case. Instead, their job is to determine if the person who appealed the case was granted full legal rights during the trial.

The judges reach their decision by majority vote. If the court of appeals finds that justice was not done, it sends the case back to the district court for a new trial. If the court of appeals finds that justice was done, it upholds, or accepts, the district court’s decision. In most cases the decision of the court of appeals is final. Sometimes, however, yet another appeal is made to the U.S. Supreme Court.

**The U.S. Supreme Court**

The highest court in the land is the U.S. Supreme Court, which meets in Washington, D.C. The Supreme Court works chiefly as an appeals court, reviewing cases that have been tried in lower federal courts and in state courts.

In addition, the Constitution gives the Supreme Court original jurisdiction in the following three types of cases:

- cases involving diplomatic representatives of other nations
Other Federal Courts

Congress also set up a number of special courts to handle specific types of cases. These courts are identified in the chart of the federal court system on page 120.

U.S. Claims Court  This court hears cases involving money claims against the federal government. If the court rules against the government, the person bringing the suit is usually granted a sum of money. Congress must then authorize the payment of the claim.

U.S. Court of International Trade  This court hears cases involving taxes on imports. Individuals or businesses importing certain goods into the United States from other countries must pay taxes on those goods. People who think that the tax is too high, for example, may take their cases to the Court of International Trade. This court is in New York City, but it also hears cases in other port cities.

Territorial Courts  Territorial courts were established by Congress to administer justice to the people living in U.S. territorial possessions. There is one territorial court each in the Northern Mariana Islands, Guam, the Virgin Islands, and Puerto Rico. These courts handle the same kinds of cases as district courts. They also hear the types of cases that would go to a state court.

U.S. Tax Court  This court hears appeals from taxpayers who disagree with rulings of the Internal Revenue Service (IRS) concerning their payment of federal taxes. The Tax Court is actually an independent agency, but it has powers like those of a court.

Court of Military Appeals  This court is the appeals court for the nation’s armed services. People in the armed services who are accused of breaking a military law are tried at a court-martial. This is a trial conducted by military officers. The Court of Military Appeals consists of three civilian judges. Appeals of this court’s decisions can be, but rarely are, heard by the Supreme Court.
U.S. Court of Veterans Appeals

Another special court is the recently created Court of Veterans Appeals. This court hears appeals brought by military veterans against the Department of Veterans Affairs. Cases brought before this court always involve claims for veterans benefits.

Federal Court Judges

All the federal courts are presided over by judges who are appointed by the president. These appointments must be approved by the Senate by a majority vote.

Federal judges are appointed for life. That is, the job is theirs for as long as they want it. Federal court judges can be removed from office only by impeachment by Congress. Congress may not lower a judge’s salary during her or his time in office. These guarantees were written into the U.S. Constitution to ensure that judges are not punished or rewarded for their decisions in cases. Judges are assisted in their work by many other people, including clerks and court reporters.

Section 2 Review

1. Define or identify the following terms: jurisdiction, original jurisdiction, appellate jurisdiction, district court, marshal, subpoena, federal magistrate, court of appeals, circuit, territorial court, court-martial.

2. Why are federal cases tried in the same states in which the crimes are committed?

3. In which type of federal court are jury trials held? What is the purpose of the courts of appeals?

4. In what types of cases does the Supreme Court have original jurisdiction? Why has Congress set up special courts?

5. Thinking Critically How might lifetime appointments for judges benefit the U.S. system of justice? How might such appointments be harmful to the system? Write a position statement supporting or opposing a constitutional amendment to end the system of lifetime appointments for federal judges.

The Supreme Court is the head of the judicial branch of the federal government. It is the only court specifically established by the Constitution. Decisions of the Supreme Court affect the lives of all Americans.

Supreme Court Justices

The size of the Supreme Court is determined by Congress. The number of justices, or judges, of the Supreme Court has been set at nine since 1869. The Court has a chief justice and eight associate justices.

Supreme Court justices, like other federal judges, are appointed by the president. Their appointments must be approved by a majority vote of the Senate. Justices are appointed for life and can be forcibly removed from office only by the impeachment process. The annual salary of the chief justice is $171,500. Associate justices are paid $164,100 per year.

The Constitution does not set any requirements for Supreme Court justices. All have been lawyers, however, and many have served as judges on lower courts. Others have taught law or held public office. Until recently, all justices were men. In 1981 Sandra Day O’Connor became the first woman to serve on the Supreme Court. A second woman, Ruth Bader Ginsburg, joined the Court in 1993.

Presidents generally try to appoint justices who share their political beliefs. Once appointed, however, a justice of the Supreme Court (continued on page 126)
Court is free to make decisions with which the president disagrees.

**Power of Judicial Review**
A unique feature of the Supreme Court is its power of judicial review. That is, the Court has the power to determine whether a law passed by Congress or a presidential action is in accord with the Constitution. If the Supreme Court decides that a law conflicts with the Constitution, that law is declared unconstitutional, and it is no longer in force. Before a law is declared unconstitutional, however, someone must challenge the law and bring a case to court.

The Constitution does not say that the Supreme Court has the power of judicial review. This power was established for the Court by John Marshall. As chief justice from 1801 to 1835, Marshall laid the foundations for the Supreme Court's great power.

John Marshall was one of the nation's most influential chief justices. Under his leadership the Supreme Court made some of its most far-reaching decisions.

**Influence of John Marshall**
During his 34 years as chief justice, John Marshall established three basic principles of U.S. law. Marshall stated the idea of judicial review for the first time in 1803 in the case of *Marbury v. Madison*. The case involved William Marbury, who had been promised appointment as a justice of the peace, and Secretary of State James Madison.

Marbury claimed that the Judiciary Act of 1789 gave the Supreme Court the power to order Secretary of State Madison to give him the promised appointment. In his now-famous opinion, Chief Justice Marshall found that the Judiciary Act was in conflict with the Constitution. The act gave the Supreme Court powers not granted by the Constitution. Because the Constitution is the supreme law of the land, the Judiciary Act passed by Congress was declared unconstitutional.

Under Chief Justice Marshall, the Supreme Court also established the principle that laws passed by state legislatures can be set aside if they conflict with the Constitution. The third principle established by Marshall is that the Supreme Court has the power to reverse the decisions of state courts. Over the years the Supreme Court has come to have the final power to interpret the Constitution.

**Hearing Cases**
As you know, the Supreme Court cannot begin a case itself. It serves mainly as an appeals court. All cases heard by the Court involve real legal disputes. A person cannot simply ask the Supreme Court for an opinion about whether or not a law is constitutional.

The Supreme Court decides what cases it will hear. Thousands of cases are appealed to the Court each year. The Court, however, chooses only about 100 to 200 cases each year to place on its docket, or calendar, for review. If the Supreme Court had to review all cases that were appealed to it, it would still be deciding cases that originated decades ago.
How, then, does the Supreme Court decide what cases to hear? The justices accept only those cases that involve issues of significant public interest. Cases heard by the Court generally deal with important constitutional or national questions. At least four of the nine justices must vote to hear a case. If the Supreme Court refuses to review a case, the decision of the lower court remains in effect. The Court may also remand, or return, a case to a lower court for a new trial.

The Court in Action
The Supreme Court begins its session each year on the first Monday in October. The Court usually adjourns in late June. The justices spend much of their time reading written arguments, hearing oral arguments, and holding private meetings.

After the Supreme Court has agreed to hear a case, the lawyers for each side prepare a brief. This is a written statement explaining the main points of one side’s arguments about the case. Each justice studies the briefs.

The next step takes place in a public session. The lawyers for each side appear before the Court to present an oral argument. Each presentation is limited to 30 minutes, and the time limit is strictly enforced. The justices often question the lawyers about the case. The entire procedure is designed to bring out the facts in each case as quickly as possible.

On most Fridays, the justices meet privately to discuss and vote on the cases they have heard. Each justice has one vote, but all justices do not have to vote. Decision is by majority vote. If there is a tie vote, the decision of the lower court remains in effect.

Supreme Court Opinions
One of the justices who supported the majority decision is assigned to write the opinion of the Court. An opinion explains the reasoning that led to the decision. The Court’s opinion is binding on all lower courts.
The words “Oyez, oyez, oyez!” are called out as the Supreme Court justices file into the courtroom. Oyez sounds like “Oh, yes.” An odd way to open a court? Actually, the word means “Hear ye,” and it comes from the French language. In fact, several French words are used in conducting U.S. government business. Many of our nation’s founders were heavily influenced by the great French philosophers’ ideas about government.

Sometimes a justice agrees with the decision of the majority, but for different reasons. In that case the justice may decide to write a concurring opinion. Justices who disagree with the decision of the Court may explain their reasoning in a dissenting opinion. Although dissenting opinions have no effect on the law, they are still important. Many dissenting opinions have eventually become the law of the land when the beliefs of society and the opinions of the justices changed.

Checking the Court’s Power
The Supreme Court has gained great power over the years. How do the other branches of government check the powers of the Court?

Consider what happens when the Supreme Court rules that a law passed by Congress is unconstitutional. As you know, this means that the law has no force. Congress, however, may pass a new law that follows the Constitution and that the Supreme Court may uphold.

In this way laws can be improved while the rights of U.S. citizens under the Constitution remain protected.

Another way to make a desired law constitutional is to amend the Constitution. For example, in 1895 the Supreme Court declared that an income tax law passed by Congress was unconstitutional. The Court pointed out that the Constitution (Article 1, Section 9, Clause 4) states that direct taxes must be apportioned according to the population of each state. In other words, such taxes must fall evenly on all people.

The income tax law did not meet this constitutional requirement, and thus was declared unconstitutional by the Court. In 1913, however, the states ratified the Sixteenth Amendment, which gave Congress the power to tax incomes. The income tax became legal and constitutional.

Changing Court Opinions
The Supreme Court has helped make the Constitution a long-lived document by interpreting it differently at different times. In this way the Court helps the Constitution meet the demands of changing times. Supreme Court justices are aware of changing social, political, and economic conditions. In reaching decisions, they consider the beliefs of the people and the advancing ideas of justice for all.

The following example illustrates how the Court can change its opinion to meet changing times. In the late 1800s many of the states passed segregation laws. These laws segregated, or separated, African Americans in society. Black people and white people could not share the use of public services such as trains, schools, hotels, and hospitals.

A Decision for Segregation In 1896 an important case about segregation was brought before the Supreme Court. The case, Plessy v. Ferguson, challenged a Louisiana law that required blacks and whites to ride in separate railroad cars. Homer Plessy, who was part African American, had taken a seat in a
passenger car that had a sign reading “For Whites Only.” When Plessy refused to move to a car for blacks, he was arrested.

Plessy was found guilty of breaking the Louisiana law and appealed the decision to the Supreme Court. He argued that Louisiana’s segregation laws denied him the “equal protection of the law” guaranteed by the Fourteenth Amendment to the Constitution.

The Supreme Court did not accept Plessy’s argument. The Court ruled that segregation laws did not violate the Fourteenth Amendment if the separate facilities provided for blacks were equal to those for whites. This decision established the “separate but equal” principle. That is, the decision legalized separate but equal facilities for blacks and whites in all areas of life.

**A Decision Against Segregation**

In most places, however, facilities for blacks clearly were not equal to those for whites. For example, schools for black students often were overcrowded and lacked much of the equipment provided for white students.

After World War II, conditions in the nation began to change. Many people began to realize that the nation’s African American citizens were not being treated fairly under the system of segregation.

In 1954 the Court decided another important segregation case. The case of *Brown v. Board of Education of Topeka* concerned eight-year-old Linda Brown, an African American girl living in Topeka, Kansas. The school located only five blocks from Linda’s home was for whites only. Linda traveled 21 blocks to a school for blacks. Her father sued the school district, claiming segregated schools were unconstitutional.

In a unanimous decision, the Supreme Court agreed. It ruled that segregated schools were not equal and therefore violated the Fourteenth Amendment. Segregated schools, argued the Court, denied students equal protection under the law. Therefore, the Court ruled that public schools in the United States should be desegregated “with all deliberate speed.” The Supreme Court had reversed its earlier decision. (See page 557.)

**Strengthening Constitutional Rights**

In recent years Supreme Court decisions have made far-reaching changes in three areas of American life—the rights of accused persons, voting, and civil rights.

**Rights of Accused Persons**

A number of Supreme Court decisions in the 1960s greatly strengthened the rights of accused persons. For the most part, these decisions apply to the period of time immediately following a person’s arrest.

In the 1966 case of *Miranda v. Arizona*, the Supreme Court declared that the police must inform arrested suspects of their rights before police may question them. Suspects must be told that they have the right to remain silent, that anything they say may be used

Thurgood Marshall

Thurgood Marshall, the first African American to serve on the Supreme Court, dedicated his life to providing all Americans with equal justice under the law.

Encouraged by his father to pursue a career in law, Marshall graduated first in his class from Howard Law School in 1933. He opened a law office in Baltimore and soon caught the attention of the National Association for the Advancement of Colored People (NAACP). In 1934 he joined the local NAACP as its lawyer.

Marshall's greatest courtroom victory came in 1954 when he argued and won Brown v. Board of Education of Topeka, the Supreme Court case that outlawed segregation in public schools in the United States. Marshall continued his battle for civil rights both as a Court of Appeals judge and later as U.S. solicitor general, the nation's top-ranking courtroom attorney.

In 1967 Marshall was appointed to the Supreme Court, where he defended individual rights and equal justice under the law for more than two decades. Marshall died in 1993, two years after he retired from the nation's highest court.

The rights of accused persons. Some Americans have argued that the Court's decisions protect criminals. Others have said that they guarantee justice to all Americans. What is the proper balance between the rights of the individual and the rights of society as a whole? This is a difficult question of ongoing debate.

"One Person, One Vote" The Supreme Court also made several important decisions in the 1960s concerning voting and representation in state legislatures and the House of Representatives. The "one person, one vote" decision was the most far-reaching of these rulings.

According to this decision, election districts for choosing representatives to Congress and the state legislatures must be divided by population as equally as possible. This means that every citizen's vote in an election must be equal in value. Only in this way will there be genuinely representative government at both the state and federal levels.

Civil Rights and Civil Liberties

The third area in which the Supreme Court's rulings have had important results is in civil rights and civil liberties. The 1954 Brown decision against segregated schools did not completely eliminate segregation in U.S. schools or in American life. The Court's decision, however, struck a blow against segregation in the nation by suggesting that all segregation laws were unconstitutional.

The civil rights movement and civil rights legislation followed. Segregation laws were removed, while laws guaranteeing African Americans the right to vote were passed. In its decisions, the Court has provided leadership by showing that the rights guaranteed in the Constitution apply to all Americans.

The Court's Prestige

Throughout the nation's history, the prestige and dignity of the Supreme Court have grown. The Supreme Court justices, for the most part, remain uninvolved in politics and have not

1. Describe the prejudice and discrimination suffered by African Americans in the United States.
2. How did the Brown decision affect the Supreme Court's role?
3. How did the Court contribute to the civil rights movement?
4. How has the Supreme Court's prestige changed over time?
been influenced by favors or bribes. Most Americans believe the Court is an important part of our democratic system.

The decisions of the Supreme Court have not, however, been free of controversy. Some have criticized the Court for being too liberal or too conservative.

In the late 1930s President Franklin D. Roosevelt attempted to change the nature of the Supreme Court by adding more justices to the Court. Public outcry, however, caused Roosevelt's plan to be dropped. Americans did not want to change the balance of power among the executive, legislative, and judicial branches in the federal government. They wanted the Court to remain free of political influence.

The debate over the Supreme Court's power continues today. Limits on the Court's power do exist. Although the Court makes important decisions that affect U.S. policies and American life, it cannot enforce these decisions. The Court must depend on the executive branch to carry out its decisions. The cooperation of the public also is necessary if Supreme Court decisions are to be effective.

5. Why is it important that the Court be able to change its opinion?

6. Thinking Critically Imagine that you are a justice of the Supreme Court in 1954. The Court has just made a ruling in the case of Brown v. Board of Education of Topeka, and you have been assigned to write the Court's opinion on the case. In your opinion explain why the Court has decided to overturn Plessy v. Ferguson and why segregated schools are unconstitutional.

CHAPTER 7 SUMMARY

The federal courts make up the judicial branch of the federal government. The job of these courts is to interpret laws and to bring to trial those people accused of breaking laws. In the United States we believe in the idea of government by law. These laws, however, must be enforced fairly. Thus the federal courts also ensure that every accused person enjoys the Constitution's guarantee of a fair trial.

There are four different kinds of law in the United States. These are statutory law, common law, administrative law, and constitutional law.

The Constitution gives the federal courts jurisdiction, or authority, to hold trials in a wide variety of cases and to judge these cases. District courts are the only federal courts in which juries are used. Under certain conditions, convicted persons may take their cases to a court of appeals and then perhaps even to the Supreme Court.

The U.S. Supreme Court is the highest court in the land. It hears appeals from lower federal courts and from state courts. Its decisions are final. Through its power of judicial review, the Supreme Court can decide if laws and presidential actions are constitutional. Decisions of the Supreme Court affect the daily lives of all Americans.

SECTION 3 REVIEW

1. Define or identify the following terms: justice, judicial review, unconstitutional, docket, remand, brief, opinion, concurring opinion, dissenting opinion, segregate.

2. How many justices sit on the Supreme Court? How are appointments to the Supreme Court made?

3. How did the power of judicial review strengthen the Supreme Court? How is the power of the Supreme Court limited by Congress?

4. How does the Supreme Court decide which cases to hear? What happens if the Court refuses to hear a case?
Vocabulary Workshop

1. What are the four types of law? Which type is supreme above all others?
2. What is another term for a trial jury?
3. What is the difference between original jurisdiction and appellate jurisdiction?
4. What is another term for a military trial?
5. Define the term judicial review.
6. What are the official court orders delivered by U.S. marshals called?

Reviewing Main Ideas

1. What is the difference between statutory law and common law?
2. Identify the eight rights that guarantee an accused person a fair trial.
3. What is the role of a grand jury?
4. Why are federal judges appointed for life?
5. What was the significance of Plessy v. Ferguson? of Brown v. Board of Education of Topeka?
6. How does the Supreme Court limit Congress’s power?
7. What principles of U.S. law were established by John Marshall?
8. What was the significance of Marbury v. Madison? of Miranda v. Arizona?

Thinking Critically

1. When the Supreme Court hears a case, it limits the lawyers for each side to a 30-minute presentation. In your opinion, is this enough time to present all the facts of a case? Why do you think such a time limit exists?
2. Some people believe that the rights guaranteed to criminal suspects offer too much protection to criminals. Other people believe that these rights are needed to protect those who are unjustly accused.

What is your position on this issue? Explain your answer.

3. Justices of the Supreme Court vote to decide which cases they will review. Is this a fair system, or should an impartial panel of judges decide which cases the justices should hear? Explain your answer.

Citizenship in Your Community

Individual Project

Interview a member of your local police force. Ask the police officer how your police force protects the rights of the accused. Does the officer believe that these rules help or hinder the work of the police? Next, arrange to interview a local, state, or federal judge in your community concerning the ways in which the courts protect the rights of the accused. Finally, write a paragraph comparing the views of these two sources.

Building Your Portfolio

The third step of your unit portfolio project (see page 135) is to draw an organizational chart of the federal court system. Then draw a second organizational chart showing any changes you would make to the system. Consider how judges are chosen, the terms judges serve, the number of judges in each court, the types of cases each court handles, and each court’s power to review other courts’ and other federal branches’ decisions. In a caption explain the reasoning behind each change or the lack of changes. Place your charts in your individual portfolio for later use.