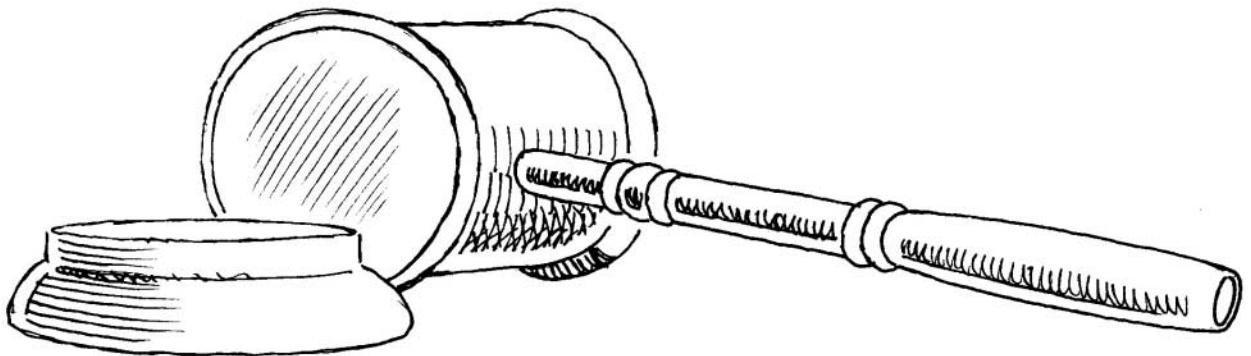


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Article III–Judicial Department

Section I. The Federal Courts

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 behavior, and shall at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

Section II. The Jurisdiction of Federal Courts

1) 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.

2) 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 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.

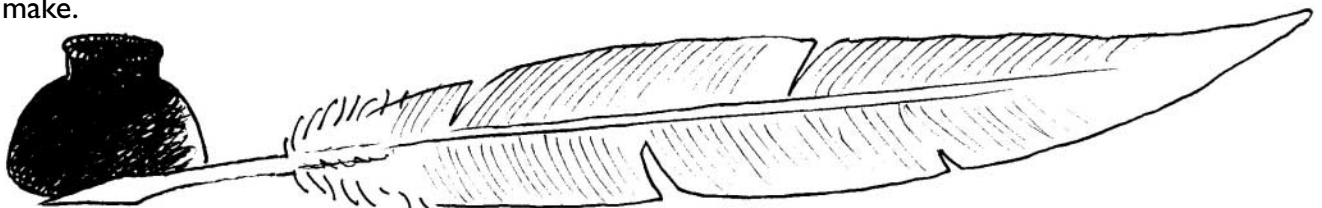
Section I. The Federal Courts

1) The trial branch of the government will include the Supreme Court and any lower courts that Congress creates. All federal judges can remain in office while they are well behaved. All federal judges will be paid for their services at specific times. The salary of a judge cannot be decreased as long as he or she remains in office.

Section II. The Jurisdiction of Federal Courts

1) The judicial branch has the power to try cases which are based on the Constitution, the laws of the U.S., and all treaties made or about to be made. It can also try cases about ambassadors and other foreign diplomats and cases concerning the navy or laws of the sea. It can try cases involving the U.S., involving two or more states, involving a state and citizens of another state, involving citizens of different states, involving citizens of the same state claiming land under grants from different states and involving a state or the citizens of a state and a foreign country or citizens of a foreign country.

2) The Supreme Court is the first court to try cases about ambassadors and other foreign diplomats and any case involving a state. The Supreme Court can only hear other cases when they are appealed from another court. Congress shall decide what other types of cases can go directly to the Supreme Court.



Name _____

Judicial Department Questions

Answer the following questions based on Article III of the Constitution.

1. In 1951, Julius and Ethel Rosenberg were convicted of treason for giving the Soviet Union information about the atomic bomb. Which part of the definition of *treason* applies to the Rosenbergs?

2. In Aaron Burr's treason trial in the early 1800s, Burr did not confess to his alleged crime, but one witness testified against him. Why wasn't Burr convicted of treason?

3. John Brown (of Harper's Ferry fame) killed several proslavery men in the Kansas Territory in the 1850s. If he had been tried for these murders, what authority would have decided where the trial was held? Give a quote to support your answer.

4. A group of U.S. citizens is committing acts of piracy off the coast of California by attacking commercial ships bound for Japan and China. Explain why this case would go immediately to the Supreme Court once the pirates were caught instead of to a California court.

5. Before Congress passed the Compromise of 1850, Texas and the New Mexico Territory were arguing about the ownership of land along their common border. Would the Supreme Court have had original jurisdiction in this case if the compromise had not resolved this problem? Explain why you think your answer is correct.

6. During the Civil War, Britain built some ships for the Confederacy. Those ships destroyed many northern commercial ships causing U.S. citizens and businesses to lose money. What part of Article III shows that the Supreme Court could have tried this case to determine whether Britain should repay the U.S. citizens and businesses?

Name _____

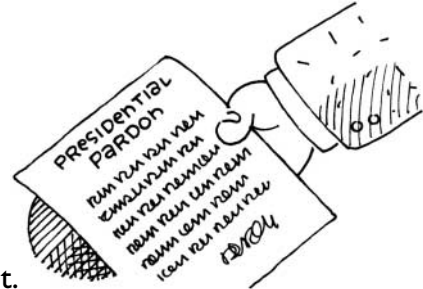
Separation of Powers and Checks and Balances

A. Judicial Branch (Supreme Court)

1. The Supreme Court can declare unconstitutional laws passed by Congress. It can also declare Executive Orders by the President to be unconstitutional.
2. The Chief Justice of the Supreme Court presides over the Senate's impeachment trial of a President.

B. Executive Branch (President)

1. The President appoints Supreme Court justices.
2. The President can grant pardons and reprieves.



C. Legislative Branch (Congress)

1. Congress confirms appointments to the Supreme Court.
2. If the Supreme Court declares a law unconstitutional, Congress can write a new law that follows the Court's ruling but also does what Congress wanted to accomplish.

Questions

The following questions are based on the information about checks and balances involving the Supreme Court. If the situation described is an example of checks and balances (even if the two branches both agreed to the action), write *yes* in the space provided. If it is not an example of checks and balances, write *no* in the space.

- _____ 1. Ronald Reagan nominated Sandra Day O'Connor to the Supreme Court. Congress confirmed her appointment, and she became the first female Supreme Court justice.
- _____ 2. The Supreme Court can try only cases that come under the original jurisdiction written in the Constitution or cases that are appealed to the Court. It cannot have people arrested (an executive power) and tried in the Supreme Court simply because it wants to make a test case about a specific law.
- _____ 3. Congress cannot pass bills of attainder. That means that they cannot pass a law that declares a person guilty of treason without having had a treason trial.
- _____ 4. Congress can investigate its own members and punish them by censure or by expelling them from Congress.
- _____ 5. The President can issue Executive Orders that have the force of law and have to be obeyed by the people.