

THE JUDICIAL BRANCH: The Supreme Court

The United States Constitution divides the federal government into three equally important parts: the legislative, executive, and judicial branches.

The judicial branch interprets the meaning of the nation's laws and decides if laws are consistent with the U.S. Constitution. The U.S. Supreme Court and other federal courts are all part of the judicial branch.



Read about the Supreme Court. Then, answer the questions on page 2.

The seal of the U.S. Supreme Court

Get to know the Supreme Court!

1. Article III	Article III of the U.S. Constitution created a judicial branch of the government. The judicial branch includes the Supreme Court and other courts that have the power to rule over all judicial cases.
2. Supreme = top authority	The Supreme Court is the highest court in the United States. If people disagree with the decisions of other U.S. courts, they can ask the Supreme Court to reconsider the decision. The Supreme Court's decisions are final.
3. Judicial review	The Supreme Court has a power called judicial review. This power lets the court decide whether laws violate, or go against, the Constitution.
4. Other jobs	The Supreme Court's main job is to decide if laws are constitutional. The court also rules over cases affecting ambassadors, events that occur at sea, and conflicts between two or more states.
5. Justices	The judges on the Supreme Court are called justices. Justices are nominated by the president and must be approved by the Senate.
6. Term limits?	There is no limit to how long a justice can be on the Supreme Court. Most justices serve until they decide to retire or they die. It is also possible for a justice to be removed by Congress through a process called impeachment.
7. Nine & six	There are usually nine justices on the Supreme Court—a chief justice and eight associate justices. At least six justices have to vote on a case in order for the decision to be valid.
8. Majority rules!	After hearing arguments for both sides of the case, justices vote for the side they agree with. The side with the most votes wins, and that decision is final.
9. If there is a tie...	Since there's an odd number of justices, cases usually can't end in a tie. But a tie can happen if one of the justices isn't able to vote. If there is a tie, the lower court decision, made before the case was sent to the Supreme Court, remains in effect.
10. Name v. Name	Cases brought to the Supreme Court are identified by the two sides making arguments. So, for example, the famous case <i>Miranda v. State of Arizona</i> (1963) involved Ernesto Miranda, who sued the state of Arizona because he was not told he could speak to a lawyer before confessing.

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Use those facts! Read about some famous events in the history of the Supreme Court. Use the information from page 1 to answer the questions.

1. In an 1803 court decision called *Marbury v. Madison*, Supreme Court Justice John Marshall wrote an important description of the Supreme Court's power over the other two branches of government. Marshall declared that the court's job was to uphold the U.S. Constitution. So, the judicial branch could undo any laws passed by Congress that violated the U.S. Constitution. What Supreme Court power was Justice Marshall describing in this statement?

2. The Constitution created the Supreme Court but left it up to Congress to decide how many justices there should be. In 1789, Congress decided there should be six justices. In 1807, Congress increased the number of justices to seven. In 1869, Congress increased it again, to the size the court is today. How many justices usually sit on the Supreme Court today?

3. Several justices have served on the Supreme Court for more than 30 years. For example, William O. Douglas was appointed by President Franklin Roosevelt in 1939. Douglas served on the court for 36 years before retiring in 1975. How long are Supreme Court justices allowed to stay on the court?

4. In 1972, the Supreme Court decided a case called *Fuentes v. Shevin*. Only seven justices ruled in the case, with 4 justices supporting Fuentes and 3 supporting Shevin. Was this enough to allow Fuentes to win the case?

5. In 2016, Supreme Court Justice Antonin Scalia died, leaving an empty seat on the court. Congress decided not to hold hearings right away to approve a replacement. As a result, the Supreme Court had only eight members for more than a year. What would happen if their votes on a case were evenly divided, with four votes on each side?

Bonus activity:

Research the current Supreme Court justices. List each name, which president nominated each justice, and how long each justice has served.