

The Judicial Branch

A Reading A-Z Level V Leveled Book
Word Count: 1,326

Connections

Writing

Research to learn more about one of the notable justices from the book. Write an essay describing his or her background before becoming a Supreme Court justice, any noteworthy cases he or she voted on, and any other interesting information.

Art

In the United States, Lady Justice represents the values of the judicial system. Create another work of art that represents the same ideals. Share your work with your class.

LEVELED BOOK • V

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Focus Question

What is the judicial branch responsible for, and how does it protect citizens of the United States?

Words to Know

federal	legal
interprets	regulate
judicial	resolve
landmark	ruling
lawsuit	violations

Page 3: Courthouses in U.S. courts of appeals have three seats for the three judges who consider each case.

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Correlation

LEVEL V

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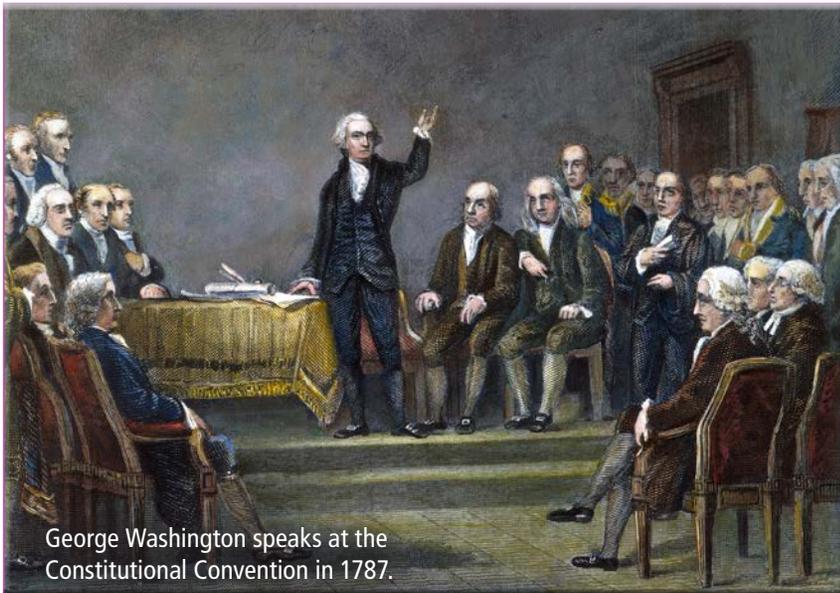
The Rule of Law

In 1951, a group of African American parents brought a **lawsuit** against the school district in Topeka, Kansas. They were suing on behalf of their children, including third grader Linda Brown. Topeka schools were segregated—black children were not allowed to attend school with white children. The case, *Brown v. Board of Education of Topeka*, went all the way to the United States Supreme Court. The Supreme Court is the top court in the United States. In 1954, the court voted in favor of ending **legal** school segregation across the country. It was an important victory in the struggle for equal rights for African Americans.

This legal case is an example of the **judicial** branch of the United States at work. This branch of government watches over the country’s courts and legal system. It **interprets** and enforces the laws that guide our government and society.



The children involved in the *Brown v. Board of Education* case included Linda Brown, who stands in the middle of the group.



George Washington speaks at the Constitutional Convention in 1787.

The Constitution and the Judicial Branch

In 1788, American leaders adopted the Constitution. It laid out a system of laws and principles to govern the young country. This system has changed over time but is still in use today.

The Constitution splits the **federal** government into three branches, or parts. The executive branch, led by the president, handles most government business and departments. The legislative branch, consisting of the U.S. Senate and House of Representatives, makes laws. The judicial branch watches over the U.S. courts and the legal system. The three branches sometimes cooperate and compromise. At other times, they oppose each other.



The first three articles of the Constitution divide the U.S. government into three branches, including the judicial branch.

The Constitution is made up of seven sections. One of these explains the role of the judicial branch and describes the kinds of legal cases the federal courts handle. For example, they take cases for or against the U.S. government, cases between states, cases that involve **violations** of the Constitution, and cases that involve breaking federal laws.

Two Kinds of Law: Criminal and Civil

Legal systems deal with two areas of law—criminal and civil. Criminal law deals with crimes, such as theft, assault, and property damage. People found guilty in criminal court may be sent to prison. Civil law involves cases in which a person, business, or organization feels it has been harmed by someone else. Civil cases may end in settlements for money, for example, but no one is at risk of going to prison. Most legal cases—criminal and civil—are decided without ever going to trial.

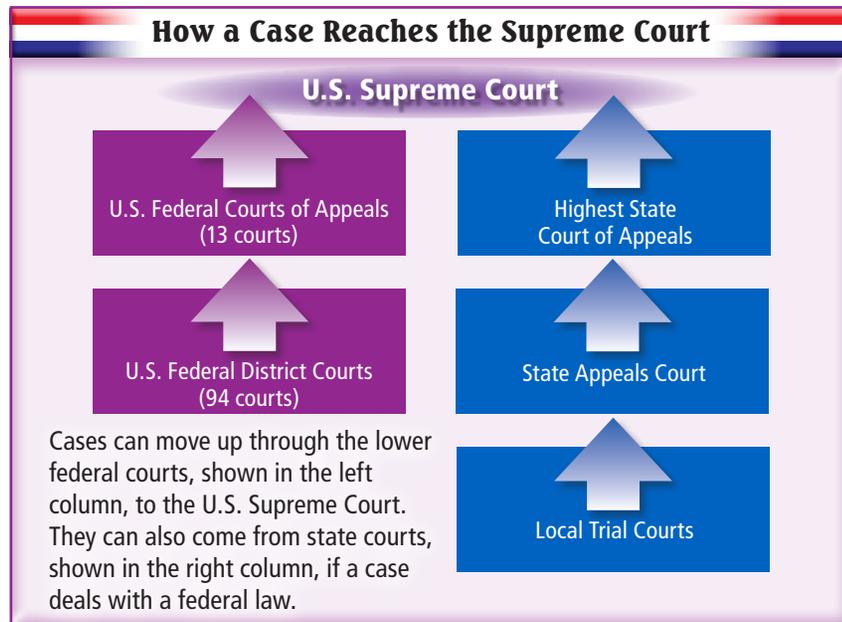
Organization and Operation of the Judicial Branch

The judicial branch consists of the system of federal courts. They include district courts, U.S. courts of appeals, and the Supreme Court. Each court is managed by one or more judges.

Most federal cases start in a U.S. district court. There are eighty-nine U.S. district courts across the United States, at least one in every state. There are also five district courts in U.S.-controlled territories. Some federal cases result in a trial by jury, in which a group of citizens hear the case and make a judgment. Other trials, known as bench trials, involve the judge acting as both judge and jury.



In U.S. courts of appeals, the side that seeks an appeal is called the *petitioner*. The side that argues against the petitioner's case is called the *respondent*.



The losing side may not agree with the court's final decision. Once a **ruling** is made, lawyers for the losing side may ask a court of appeals to reconsider the decision.

Thirteen U.S. courts of appeals exist across the country. The purpose of the appeals courts is not to redo the trial. Instead, a panel of three judges reviews decisions from the district court. They decide whether each case was handled properly. Depending on what they find, they may uphold the ruling.

The Supreme Court of the United States, located in Washington, D.C., acts as the top appeals court. Each year, thousands of people ask this top court to consider their appeals, but very few are taken. The Supreme Court judges, known as justices, carefully study each case they agree to hear. They also take part in arguments in which they listen to lawyers for each side and ask questions. They later vote on the case to decide the winning side.

The Supreme Court often deals with the most challenging legal cases. A Supreme Court decision can help shape the U.S. government and even American society.

Math Minute

Each year, the Supreme Court receives about 7,500 requests to consider a case. Of those cases, the court usually hears fewer than 150. Using those numbers—7,500 and 150—what fraction of these cases does the Supreme Court actually hear? Simplify the fraction.



Answer: 1/50

Notable Chief Justices

Nine justices are on the Supreme Court today, including the chief justice. Important justices who have been on the high court include:



John Jay (served 1789–1795): Jay served as the first chief justice of the U.S. Supreme Court.



John Marshall (served 1801–1835): The longest-serving chief justice in Supreme Court history, Marshall helped establish early American law.



William Howard Taft (served 1921–1930): The former U.S. president is the only person to have held both offices.



Louis D. Brandeis (served 1916–1939): Brandeis became the Supreme Court’s first Jewish justice.



Earl Warren (served 1953–1969): Under Warren’s leadership, the court oversaw expansions in civil rights and federal power.



Thurgood Marshall (served 1967–1991): Marshall became the first African American justice on the Supreme Court.



Sandra Day O’Connor (served 1981–2006): O’Connor became the first female Supreme Court justice.



Sonia Sotomayor (served 2009–): Sotomayor is the first Hispanic Supreme Court justice.

The Courts in Action

Most Americans only experience the U.S. judicial system through TV shows. Few real-life legal cases are so dramatic. Most never go to trial, and some take many years to **resolve**. Just because legal battles may not be exciting does not mean they're not important. Here are three examples of **landmark** Supreme Court cases.

Tinker v. Des Moines Independent Community School District

In 1965, the parents of three teenagers sued a school district in Iowa. The students had been suspended for wearing black armbands to school. The armbands were meant to protest American involvement in the Vietnam War. The students argued that the school district violated their right to free speech by suspending them. In 1969, the

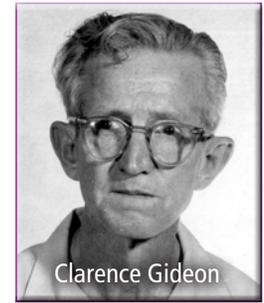


Mary Beth Tinker (right) and her brother Paul (center) sport their anti-war armbands.

Supreme Court sided with the students. The decision ruled that students have the right to free speech in school as long as it is not disruptive.

Gideon v. Wainwright

In 1961, Clarence Gideon was arrested for breaking into a Florida pool hall and stealing. Gideon was too poor to hire a lawyer, and the court turned down his request for one. He was found guilty and sentenced to five years in prison. He wrote to the Supreme Court, arguing that the Constitution states that any person accused of a crime should have the help of a lawyer. The Supreme Court ruled in his favor. Gideon had a new trial and was found not guilty. From then on, all U.S. courts needed to provide a lawyer for people who could not afford one.



Massachusetts v. Environmental Protection Agency

In 2003, Massachusetts and other states asked the United States Environmental Protection Agency (EPA) to **regulate** gases that play a part in global warming. The EPA refused. Massachusetts sued the EPA, saying it had a duty to regulate these gases under the Clean Air Act. This law was passed in 1963 to control pollution. The EPA argued that the law did not apply to these gases. The Supreme Court ruled in favor of the states by a vote of 5-4. The EPA was then required to regulate these gases.

Checks and Balances

The judicial branch also provides checks and balances in the federal government. In the 1780s, the creators of the Constitution feared that one person or group might try to gain control of the government. To guard against that possibility, they built in checks and balances between the three branches. In other words, the executive branch, legislative branch, and judicial branch have ways to limit each other's powers.

The executive and legislative branches mainly check the judicial branch by choosing federal judges. As head of the executive branch, it is the president's duty to choose these judges. Nominees must then be confirmed by the U.S. Senate (part of the legislative branch). This role gives the Senate the power to block the president's choices. In this way, the legislative branch can check both the judicial and executive branches.



President Obama named Sonia Sotomayor (center) to the Supreme Court in 2009.



U.S. District Court Judge Thomas Porteous sits at his impeachment trial in 2010 for charges including payoffs and lying under oath.

Once confirmed, federal judges serve for life. In other words, they cannot be fired by anyone in the executive or legislative branch. This is a check against the other two branches. It prevents leaders from firing judges for political reasons. Judges can be impeached by the U.S. Senate for illegal or dishonest behavior, however. This serves as another check on the judicial branch. Only fifteen federal judges have been impeached—one of them a Supreme Court justice. Eight of the judges were ultimately found guilty and removed from office.

Judicial review is another power of the judicial branch. The courts are able to review laws passed by the legislative branch or actions taken by the executive branch. If a law or action is found to violate the Constitution, the courts can strike it down.



Lady Justice originates in Roman mythology and art.

Lady Justice

One of the symbols of the judicial branch is Lady Justice. She holds a set of scales and a sword, and she wears a blindfold. She represents the values of weighing facts and listening for the truth without prejudice. She also represents the power to protect when necessary.

The creators of the Constitution knew that a strong justice system was important to a healthy society. It offers people peaceful ways to deal with conflicts. It also protects the basic rights of all Americans. The judicial branch acts as a check on the powers of the executive and legislative branches as well.

The American justice system is not perfect. However, the principles of the judicial branch are well-founded and can result in true justice when used fairly.

Glossary

federal (<i>adj.</i>)	of or relating to a central government that shares power with separate states or regions (p. 5)
interprets (<i>v.</i>)	tells, explains, or understands the meaning of something (p. 4)
judicial (<i>adj.</i>)	of or relating to the branch of government that makes sure laws agree with the Constitution (p. 4)
landmark (<i>n.</i>)	an important event that marks a change or new stage in something (p. 11)
lawsuit (<i>n.</i>)	a legal process by which a court settles a disagreement between people or groups (p. 4)
legal (<i>adj.</i>)	allowed by the law (p. 4)
regulate (<i>v.</i>)	to control or maintain the amount, rate, speed, or behavior of something so it works right or obeys laws or rules (p. 12)
resolve (<i>v.</i>)	to decide; to settle a disagreement or find a solution to a problem (p. 11)
ruling (<i>n.</i>)	an official decision made by a judge in a court of law (p. 8)
violations (<i>n.</i>)	acts of breaking laws or not following rules (p. 6)