**Article III – The Judicial Branch**

**The Judicial Branch – The Federal Court System**

* The Federal Court System
  + Articles of Confederation
    - Major Weakness – \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
    - Each \_\_\_\_\_\_\_\_\_\_\_\_\_\_ had \_\_\_\_\_\_\_\_\_\_\_\_ courts and laws
  + Article \_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the Constitution
    - Created a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
    - Congress can create inferior courts (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)
    - Judiciary Act of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ – created federal district courts
    - Later in 1791 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ were created
  + Criminal and Civil Cases
    - There are \_\_\_\_\_\_\_\_\_\_\_\_\_ court systems in the US – \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ courts
      * \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ cases – cases in which juries decide whether people have committed crimes
      * \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ cases – cases in which two sides disagree over some issue
  + Federal Court Jurisdiction
    - \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ – the authority to hear and decide a case
    - Federal courts have jurisdiction in the following areas
      * \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ – a constitutional right has been violated
      * Federal \_\_\_\_\_\_\_\_\_\_\_\_\_\_ and Federal \_\_\_\_\_\_\_\_\_\_\_\_\_ – kidnapping, bank robbery
      * \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ – crimes and accidents on the high seas or related to the seas.
      * \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ – any disagreement between states
      * Disputes in which the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is involved – the government can sue if someone does not live up to their part of a contract or a person/company can take the government to court if they do not believe the government lived up to their part of a contract
      * Controversies between \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ – if a person in Maine is cheated by a person from California and it is worth more than $50,000, then the federal courts can intervene
      * Disputes involving \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ – any dispute between an American (US government, American company) and a foreign country
      * US ambassadors, ministers, and consuls serving in foreign countries – if an ambassador breaks an \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the embassy, the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ courts will hear the case
    - \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ jurisdiction – only federal courts may hear the case
    - \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ jurisdiction – state and federal courts share jurisdiction
  + **The Judicial Branch – The Lower Federal Courts**
    - \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Courts
      * \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ level of the federal court system
      * Are where \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_are held and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ begin
      * \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ jurisdiction – authority to hear cases for the first time
      * Only federal courts is where \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ trials are held
      * Each district is a geographic area – mail fraud, income tax evasion, bank robbery and treason
      * \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_cases – disputes involving labor relations, public lands, copyright and patent laws, and civil rights
  + \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ states – “such Trial shall be held in the State where the said Crimes shall have been committed”
  + District Court Judges
    - Each district has at least \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
    - Each district \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
      * Decides \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to be followed
      * Explain the \_\_\_\_\_\_\_\_\_\_\_\_\_\_ involved in a case to the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
      * Decide on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ when the jury finds a defendant \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
      * Are \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
      * Cannot have \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ during term in office
  + Other District Court Officials
    - Magistrate
      * Issues court \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
      * Hears \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ evidence to determine whether the case should be brought to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
      * Hear \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_cases
    - US Attorney
      * Government’s \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
      * His/Her job to prove that a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ has committed a crime
      * Do most of the trial work
  + Serving Subpoenas
    - Marshal
      * \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ suspects
      * Delivers \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to court
      * Serves \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ – court order requiring someone to appear in court
    - \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and other individuals help make judicial branch work as swiftly as possible
  + US Courts of Appeals
    - Also called \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ appeals courts (are above district courts)
    - Jurisdiction – \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_jurisdiction
      * Hear only cases which have gone to district courts or through federal regulatory agencies
      * Can only be used if the law was not followed properly or if procedures were not followed properly
      * Created to ease the work of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
      * There are \_\_\_\_\_\_\_\_\_ circuits or geographic areas
    - Appeals Court Judges
      * There are \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ per court
      * They \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ preside over trials
      * No \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ – only a panel of three judges hear arguments and review cases
      * They only rule if rights are protected and a fair trial was received
    - \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ types of rulings
      * \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ the lower courts verdict
      * Remand (return) the case for a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ trial
      * \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
      * Appeals court’s decision is usually \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
      * Very few cases reach the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
    - Special Federal Courts
      * US \_\_\_\_\_\_\_\_\_\_\_\_\_\_ Courts – hears appeals dealing with federal tax laws
      * US Court of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ – citizens who sue the government for money claims
      * US Court of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ – appeals court for armed forces (after an individual has been court – marshaled)
      * US Court of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ – disputes arising from tariff and trade laws
  + **The Judicial Branch – The Supreme Court**
    - The Power of the Supreme Court
      * \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ jurisdiction
      * Preside over trials in cases that involve \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ from foreign \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
      * Preside over trials where \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ each other (usually the Supreme Court allows a district court to hear this)
      * Appellate jurisdiction in all other cases – of over \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ appealed usually around \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ are heard
      * Pose \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ or \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ questions
      * Of great public interest or concern
      * \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ - court may review any federal or state law to see if it is in compliance with the Constitution
    - \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Review
      * One of the most important \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the Supreme Court
      * If a law is in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ it will be found \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_and be nullified
      * The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is the final authority on the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
    - Marbury v. Madison
      * Established \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ review in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
      * President John Adams made some midnight appointments; Marbury, who was appointed a justice of the peace, took James Madison to the Supreme Court for not carrying out President Adams appointments invoking the Judiciary Act of 1789)
      * Chief Justice John Marshall wrote the majority opinion turning down Marbury’s claim and the three basic principles of judicial review were created:
      * The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the land
      * Where there is a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ between the Constitution and any other law, the Constitution must be followed
      * The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ has the duty to uphold the Constitution and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ any law in conflict with the Constitution
      * The power of judicial review has become an important check on any other branch
    - Checking the Courts Power
      * Congress can \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ laws so they are no longer in conflict
      * Congress can create a new \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
    - Controversy and the Court
      * The Court has made people very MAD (they may even ask Congress to change a law to fix the problem)
      * 1857 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ – ruling; the Constitution did not prohibit slavery in the territories (Slaves were not citizens and therefore could not sue in the federal courts)
      * Amendment \_\_\_\_\_\_\_\_ changed that
    - Supreme Court Justices
      * There are \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ associate justices and \_\_\_\_\_\_\_\_\_\_\_ chief justice
      * No set \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
      * Informal qualification
        + All have been \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
      * Most have been \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
      * Many have been \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
      * W.H. Taft was the only chief justice to have been President first
    - Appointment by the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and approval by the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
    - The President tries to appoint judges who share the same ideology, but once appointed the have no obligation to follow the President’s line
    - Facts about the Supreme Court
      * \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (1967) and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (1991) were the first African Americans
      * \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (1981) and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (1993) were the first women