

## A Court System Quiz – True or False

Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Directions:** Read each of the following statements about court systems. For each write either a “T” in the blank if you think the statement is completely true or an “F” in the blank if you think the statement is false in any way.

- \_\_\_\_\_ 1. Since Congress has the power to create the federal court system, Congress can change it, but Congress cannot abolish the U.S. Supreme Court because Article III creates it.
- \_\_\_\_\_ 2. The federal court system includes three levels besides the U.S. Supreme Court, and these levels all have appellate jurisdiction.
- \_\_\_\_\_ 3. The U.S. Supreme Court is at the “top” of the system, the “highest” court in the nation, because it has the final say on what federal law and the U.S. Constitution means in any case.
- \_\_\_\_\_ 4. The state and federal courts form one system, with the state courts handling the less serious cases, while the federal courts handle the more serious cases.
- \_\_\_\_\_ 5. Any court case in the U.S. may be appealed to the U.S. Supreme Court.
- \_\_\_\_\_ 6. Only federal courts may interpret the U.S. Constitution, and only state courts may interpret state constitutions.
- \_\_\_\_\_ 7. The “judicial power” is essentially the authority to interpret laws in order to decide actual court cases.
- \_\_\_\_\_ 8. The U.S. Supreme Court may judicially review any law or government action it believes might be unconstitutional.
- \_\_\_\_\_ 9. All courts have trials with juries.
- \_\_\_\_\_ 10. The party that loses a case chooses which court decides its appeal.
- \_\_\_\_\_ 11. Article III of the Constitution grants the federal courts the power of judicial review, which concerns determining if federal laws are constitutional.
- \_\_\_\_\_ 12. The U.S. Supreme Court may interpret any law and decide any case in the U.S.
- \_\_\_\_\_ 13. The U.S. Supreme Court case of *Marbury v. Madison* established that the U.S. Supreme Court has the power of judicial review.
- \_\_\_\_\_ 14. A party that wins its appeal gets another trial in the appellate court.
- \_\_\_\_\_ 15. All courts must follow the U.S. Supreme Court’s interpretation of the U.S. Constitution and any federal law.

## Quiz—Teacher Reference Sheet

### A Court System Quiz – True or False

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- T** 1. Since Congress has the power to create the federal court system, Congress can change it, but Congress cannot abolish the U.S. Supreme Court because Article III creates it.
- Explanation:** *This statement refers back to Lesson 1. Article III, Section 1 only creates “one supreme Court” and provides that it and such other “inferior courts” as Congress may create shall have the “judicial power” of the U.S.*
- F** 2. The federal court system includes three levels besides the U.S. Supreme Court, and these levels all have appellate jurisdiction.
- Explanation:** *As students will see in this lesson, the federal court system has three levels including the U.S. Supreme Court. Only one level, the first consisting of the United States District Courts, has general original jurisdiction; the other two levels, the U.S. Circuit Courts of Appeal and the U.S. Supreme Court principally exercise appellate jurisdiction.*
- T** 3. The U.S. Supreme Court is at the “top” of the system, the “highest” court in the nation, because it has the final say on what federal law and the U.S. Constitution means in any case.
- Explanation:** *As Lesson 1 showed, Article III, Section 1 creates the Supreme Court, and Article I, Section 2 includes “federal question jurisdiction.” As students will see in this lesson, the Supreme Court is the final court over both the federal court system and the state court systems where any “federal question” exists—that is, where the interpretation of the U.S. Constitution or any federal law is involved.*
- F** 4. The state and federal courts form one system, with the state courts handling the less serious cases, while the federal courts handle the more serious cases.
- Explanation:** **NO!!** *As students will see in this lesson—and as it is essential that they understand—the federal and state court systems are separate and independent, and this fact of federalism (dual sovereignty) and limited government has nothing to do with the “size” or importance of any particular case or kind of case. The courts in each system possess their distinctive jurisdiction or power to decide certain kinds of cases, and so a given case usually proceeds through one system or the other.*
- F** 5. Any court case in the U.S. may be appealed to the U.S. Supreme Court.
- Explanation:** *As shown in Lesson 1, the U.S. Supreme Court, like the other federal branches of government, only has the limited power given to it in the Constitution. Thus, it may accept an appeal only if the case is within its appellate jurisdiction as established in Article III (and affected by congressional act). As students will see in this lesson, the Court’s appellate jurisdiction includes all cases that can be appealed within the federal court system, but it does not include most state court cases, unless a given state case involves the U.S. Constitution or federal law.*

- F** 6. Only federal courts may interpret the U.S. Constitution, and only state courts may interpret state constitutions.

**Explanation:** Like statement 5 above, this statement turns on the differing jurisdictions of the federal and state courts. As students will see in this lesson, both federal and state courts may interpret the U.S. Constitution if an issue involving it properly arises in a case within their respective jurisdictions—for example in a federal criminal law case or a state criminal law case where the defendant claims his federal constitutional rights have been violated. The U.S. Supreme Court has the final interpretation of the U.S. Constitution in any case. However, the interpretation of a state constitution lies (with extremely rare exceptions) in the state court system, and thus ultimately with the highest appellate court of the relevant state.

- T** 7. The “judicial power” is essentially the authority to interpret laws in order to decide actual court cases.

**Explanation:** As shown in Lesson 1, this statement is the basic definition of the phrase, which appears in Article III, Section 1. The Constitution use of the phrase “judicial power” (power to interpret laws) parallels its use of “executive power” (power to enforce laws) in Article II with respect to the President and “legislative power” (power to make laws) in Article I with respect to Congress.

- F** 8. The U.S. Supreme Court may judicially review any law or government action it believes might be unconstitutional.

**Explanation:** No, as shown in Lesson 1, no federal court may on its own initiative exercise of judicial review. The federal courts’ judicial power, including the power of judicial review, may only be exercised over an actual “case or controversy.” There is no provision for an “advisory opinion” or other method for testing the constitutionality of a government action ahead of time. Instead, the Court must wait for an actual case with actual parties and actual legal disputes to properly come to it before it may judicially review the challenged government action.

- F** 9. All courts have trials with juries.

**Explanation:** As shown in Lesson 1, only courts with original jurisdiction have trials at all, let alone with juries. Appeals courts (courts with appellate jurisdiction) are limited to the review the record of the trial court (the court with original jurisdiction) in order to determine if legal error occurred in that court.

- F** 10. The party that loses a case chooses which court decides its appeal.

**Explanation:** As students will see in this lesson, courts work in a system, with the federal system under the U.S. Supreme Court created by Congress. The appellate jurisdiction of the courts within the system—that is, which court has the power to decide which appeals—is established by the Constitution and federal law. It is not within any party’s discretion.

- F** 11. Article III of the Constitution grants the federal courts the power of judicial review, which concerns determining if federal laws are constitutional.

**Explanation:** As shown in Lesson 1, the Constitution does not provide for judicial review. Rather, it took the Court's own interpretation of its own power in Marbury v. Madison to establish judicial review as constitutional power of the federal courts. In addition, as shown in Lesson 1, judicial review extends to, but goes far beyond, federal laws to nearly any action by any official or part of government at any level.

- F** 12. The U.S. Supreme Court may interpret any law and decide any case in the U.S.

**Explanation:** As shown by Lesson 1, and as students will see further in this lesson, all federal courts, including the U.S. Supreme Court, have limited jurisdiction both in what cases they can have trials and accept appeals, and in what laws they may interpret. (See also statements 5 and 6 above.)

- T** 13. The U.S. Supreme Court case of *Marbury v. Madison* established that the U.S. Supreme Court has the power of judicial review.

**Explanation:** As shown in Lesson 1, this statement is correct, both given the rationale and the result in *Marbury*. (See also statement 11 above.)

- F** 14. A party that wins its appeal gets another trial in the appellate court.

**Explanation:** Since appellate courts only review the record from the trial court to determine if any legal errors occurred that undermine the legality or justice of trial court result, a party that wins an appeal normally gets a new trial with the errors corrected. However, that new trial occurs in the court with original jurisdiction, which is organized and operated to conduct trials. (If the trial court made a strictly legal error that alone caused the legally winning side to lose, the appellate court may rule for one side without the necessity of a new trial.) (See also statement 9 above.)

- T** 15. All courts must follow the U.S. Supreme Court's interpretation of the U.S. Constitution and any federal law.

**Explanation:** As shown in Lesson 1, and as students will see further in this lesson, the U.S. Supreme Court is the highest court with the final authority to interpret the U.S. Constitution and federal law. Its interpretation must therefore be followed by all other courts, both due to the Supremacy Clause of the Constitution (Article VI, clause 2), and due to the fact that any case involving the U.S. Constitution or federal law may be appealed to the U.S. Supreme Court. (See also statements 3, 5-6 above.)

# Structure of the Federal Courts

The Supreme Court is the highest court in the federal judiciary. Congress has established two levels of federal courts under the Supreme Court: the trial courts and the appellate courts.

## Trial Courts

The United States district courts are the trial courts of the federal court system. Within limits set by Congress and the Constitution, the district courts have jurisdiction to hear nearly all categories of federal cases, including both civil and criminal matters. There are 94 federal judicial districts, including at least one district in each state, the District of Columbia and Puerto Rico. Each district includes a United States bankruptcy court as a unit of the district court. Three territories of the United States—the Virgin Islands, Guam, and the Northern Mariana Islands—have district courts that hear federal cases, including bankruptcy cases.

There are two special trial courts that have nationwide jurisdiction over certain types of cases. The Court of International Trade addresses cases involving international trade and customs issues. The United States Court of Federal Claims has jurisdiction over most claims for money damages against the United States, disputes over federal contracts, unlawful "takings" of private property by the federal government, and a variety of other claims against the United States.

## Appellate Courts

The 94 judicial districts are organized into 12 regional circuits, each of which has a United States court of appeals. A court of appeals hears appeals from the district courts located within its circuit, as well as appeals from decisions of federal administrative agencies. In addition, the Court of Appeals for the Federal Circuit has nationwide jurisdiction to hear appeals in specialized cases, such as those involving patent laws and cases decided by the Court of International Trade and the Court of Federal Claims.

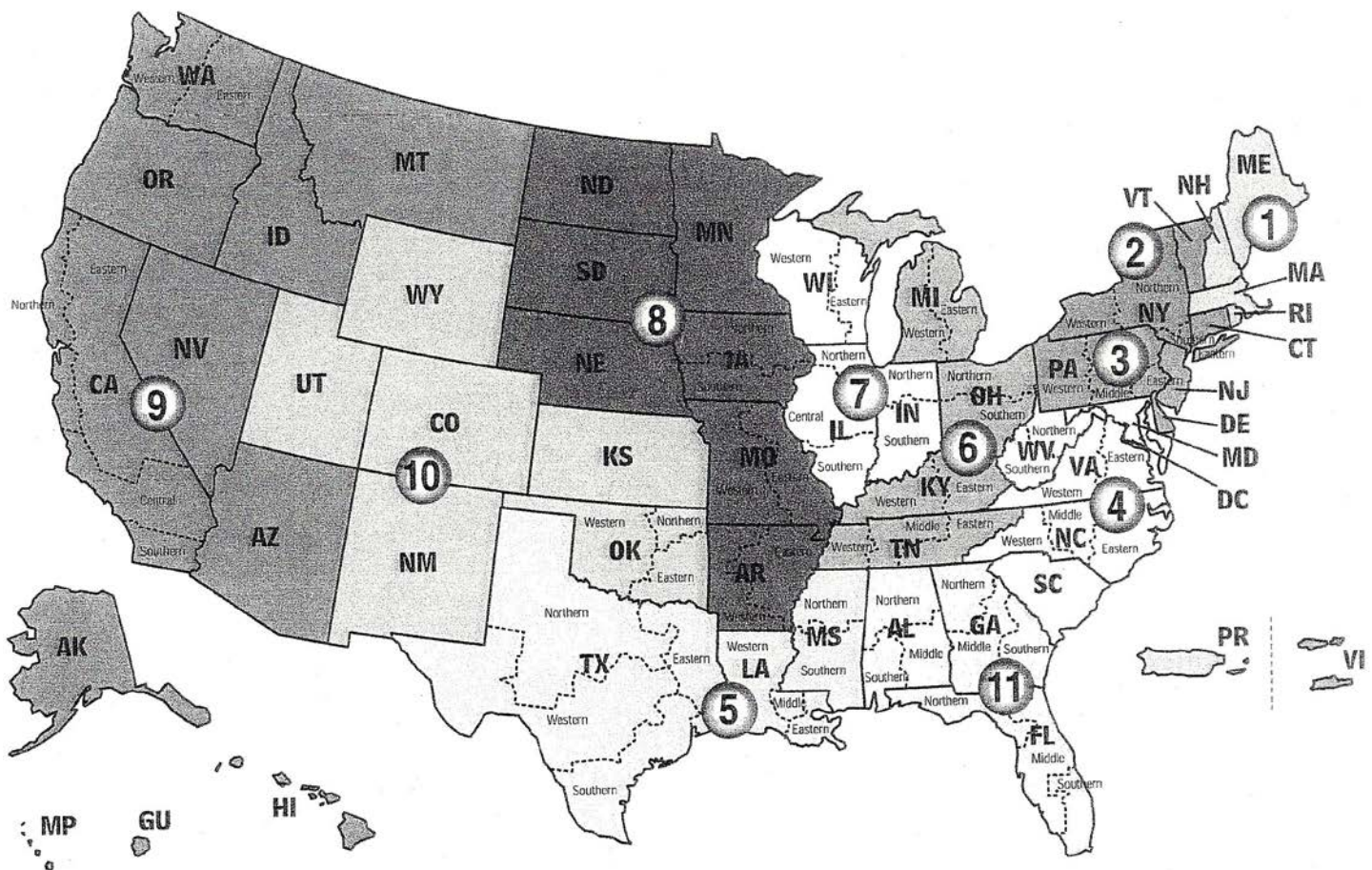


## United States Supreme Court

The United States Supreme Court consists of the Chief Justice of the United States and eight associate justices. At its discretion, and within certain guidelines established by Congress, the Supreme Court each year hears a limited number of the cases it is asked to decide. Those cases may begin in the federal or state courts, and they usually involve important questions about the Constitution or federal law.

### GEOGRAPHIC BOUNDARIES

OF UNITED STATES COURTS OF APPEALS AND UNITED STATES DISTRICT COURTS



Source: "Understanding the Federal Courts" (Administrative Office of the U.S. Courts, Leonidas Ralph Mecham, Director, 2003), pp 9-10, 12, available at <http://www.uscourts.gov/EducationalResources/FederalCourtBasics/UnderstandingTheFederalCourts.aspx> (Last Accessed 06.22.2011).

## Reading Questions for and Diagram of the “Structure of the Federal Courts”

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Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Directions:** Read the handout “Structure of the Federal Courts,” and on a separate sheet of paper with your name on it, number and answer the following.

### Questions

1. How many levels of courts does the federal court system involve? How many levels have original jurisdiction over most federal court cases, and how many levels have appellate jurisdiction over most federal court cases?
2. What is the name of each level from lowest to highest?
3. What is the name of the courts in the federal court system that have original jurisdiction over practically all federal cases? What is the total number of this kind of court in the federal court system, and from what kind of area does each get its cases?
4. How many federal judicial districts are located in Texas and in Kansas? What might explain the difference in the number of federal district courts in these states?
5. If a federal case arose in Detroit, Michigan, in which federal court district would the case begin and have its trial?
6. If a party is dissatisfied with the result of a federal case tried in Michigan because the trial court made legal mistakes, to what court could that party appeal and so ask for review of the trial court’s interpretations and decisions?
7. What is a “regional circuit” in the federal court system? What is the total number of regional circuits in the federal court system?
8. Does each U.S. Court of Appeals have original jurisdiction, appellate jurisdiction or both? From where does each U.S. Court of Appeals get the cases it decides?
9. What circuit includes the federal courts in Michigan? What are the other states whose federal courts belong to the same circuit as Michigan?
10. How many federal district courts are within the 10<sup>th</sup> circuit? Do appeals from all those courts go to one U.S. Court of Appeals located within the circuit?
11. What is the name of single court at the top of the federal court system? How many judges (called “justices” at this level only) hear and decide each case accepted for review?
12. Does the court at the top of the federal court system get to choose most of the cases it reviews and decides? From where does this high court get the cases it accepts for review and decision?

### Federal Court System Diagram

(Note: For this part of the assignment, you do not need to consider the discussion in the reading of the special federal trial courts or the Court of Appeals for the Federal Circuit.)

Using your handout, reading, and map, as well as your answers to the preceding questions, draw, label and annotate (make notes about) the federal court system on your separate sheet of paper according to the following:

- A. On the left side of your sheet, DRAW a triangle with a base that is about one-quarter of the width of your sheet and a height about one-third the length of your sheet.
- B. DRAW lines within the triangle and parallel to its base such that the triangle is divided into as many sections as there are levels in the federal court system.
- C. WRITE in each section/level of the triangle the *number* of federal courts at that level; outside and to the left of the triangle DRAW an arrow pointing in the direction that appeals move through the levels.
- D. Outside and to the right of each section/level of triangle, WRITE the name of the kind of courts included in each section.
- E. Also outside and to the right of each section/level NOTE the following about the courts in each section: (1) whether they have original jurisdiction, appellate jurisdiction or both; (2) if they have appellate jurisdiction, from where do they get the appeals; and, (3) how they are distributed geographically—that is, what areas of the country they cover.



## ***Teacher Reference Sheet***

### **Reading Questions for and Diagram of the “Structure of the Federal Courts”**

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Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Directions:** Read the handout “Structure of the Federal Courts,” and on a separate sheet of paper with your name on it, number and answer the following.

#### Questions

1. How many levels of courts does the federal court system involve? How many levels have original jurisdiction over most federal court cases, and how many levels have appellate jurisdiction over most federal court cases?

**The federal court system involves three levels, one with original jurisdiction over most federal court cases (the federal trial courts), and two with appellate jurisdiction over most federal court cases (the federal courts that decide appeals). (Because the U.S. Supreme Court has original jurisdiction over an exceedingly small number of cases, there are literally two levels with original jurisdiction; however, for the vast majority of federal court cases, only the first level of the federal court system has the relevant original jurisdiction.)**

2. What is the name of each level from lowest to highest?

**The United States District Courts, the United States Circuit Courts of Appeal, and the Supreme Court of the United States.**

3. What is the name of the courts in the federal court system that have original jurisdiction over practically all federal cases? What is the total number of this kind of court in the federal court system, and from what kind of area does each get its cases?

**The United States District Courts have original jurisdiction over practically all federal cases. The federal court system currently includes 94 U.S. District Courts, each of which is located in and gets its cases from a judicial district. A judicial district is a geographical area within a state, although less populous states may have only one judicial district whose boundaries are the same as the state’s boundaries.**

4. How many federal judicial districts are located in Texas and in Kansas? What might explain the difference in the number of federal district courts in these states?

**Texas has 4 judicial districts, each with a federal district court (the judicial districts of northern, eastern, western, southern Texas), and Kansas has 1 judicial district, with one federal district court (the judicial district of Kansas). The number of federal judicial districts per state that Congress creates is supposedly based on the population of the state and the number of federal court cases.**

5. If a federal case arose in Detroit, Michigan, in which federal court district would the case begin and have its trial?

**Since Detroit is located in the eastern judicial district of Michigan, a federal case in Detroit would be filed (started) and tried in the U.S. District Court for the Eastern District of Michigan (the relevant federal courthouse is located in Detroit).**

6. If a party is dissatisfied with the result of a federal case tried in Michigan because the trial court made legal mistakes, to what court could that party appeal and so ask for review of the trial court's interpretations and decisions?

**The party would appeal to the U.S. Court of Appeals for the Sixth Circuit.**

7. What is a "regional circuit" in the federal court system? What is the total number of regional circuits in the federal court system?

**A "circuit" is a region of the country made up of made up of the federal judicial districts in several states. There are 12 regional circuits, each with on U.S. Court of Appeals.**

8. Does each U.S. Court of Appeals have original jurisdiction, appellate jurisdiction or both? From where does each U.S. Court of Appeals get the cases it decides?

**Eleven of the US Courts of Appeals hear appeals from the district courts within their territory. The Court of Appeals for the Federal Circuit, however, hears appeals from the Court of International Trade and Court of Federal Claims.**

9. What circuit includes the federal courts in Michigan? What are the other states whose federal courts belong to the same circuit as Michigan?

**The federal district courts in Michigan are part of the 6<sup>th</sup> circuit, along with the federal district courts in Ohio, Kentucky, and Tennessee.**

10. How many federal district courts are within the 10<sup>th</sup> circuit? Do appeals from all those courts go to one U.S. Court of Appeals located within the circuit?

**The 10<sup>th</sup> circuit comprises 8 judicial districts, each with 1 federal district court (the district courts of Wyoming, Utah, New Mexico, Kansas, and three districts in Oklahoma).**

11. What is the name of single court at the top of the federal court system? How many judges (called "justices" at this level only) hear and decide each case accepted for review?

**The one Supreme Court of the United States consists of 9 justices total, 1 Chief Justice and 8 Associate Justices.**

12. Does the court at the top of the federal court system get to choose most of the cases it reviews and decides? From where does this high court get the cases it accepts for review and decision?

**Yes, the U.S. Supreme Court has great discretion as to those appeals it accepts for review and decision. Although a party may under certain circumstance appeal directly from a U.S. District Court or from a specialized court of appeals to the U.S. Supreme Court, most appeals come from the U.S. Circuit Courts of Appeal and the highest appellate courts of the state court systems (if such cases involve the U.S. Constitution or federal law).**

### Federal Court System Diagram

(Note: For this part of the assignment, you do not need to consider the discussion in the reading of the special federal trial courts or the Court of Appeals for the Federal Circuit.)

Using you the handout reading and map, as well as your answers to the preceding questions, draw, label and annotate (make notes about) the federal court system on your separate sheet of paper according to the following:

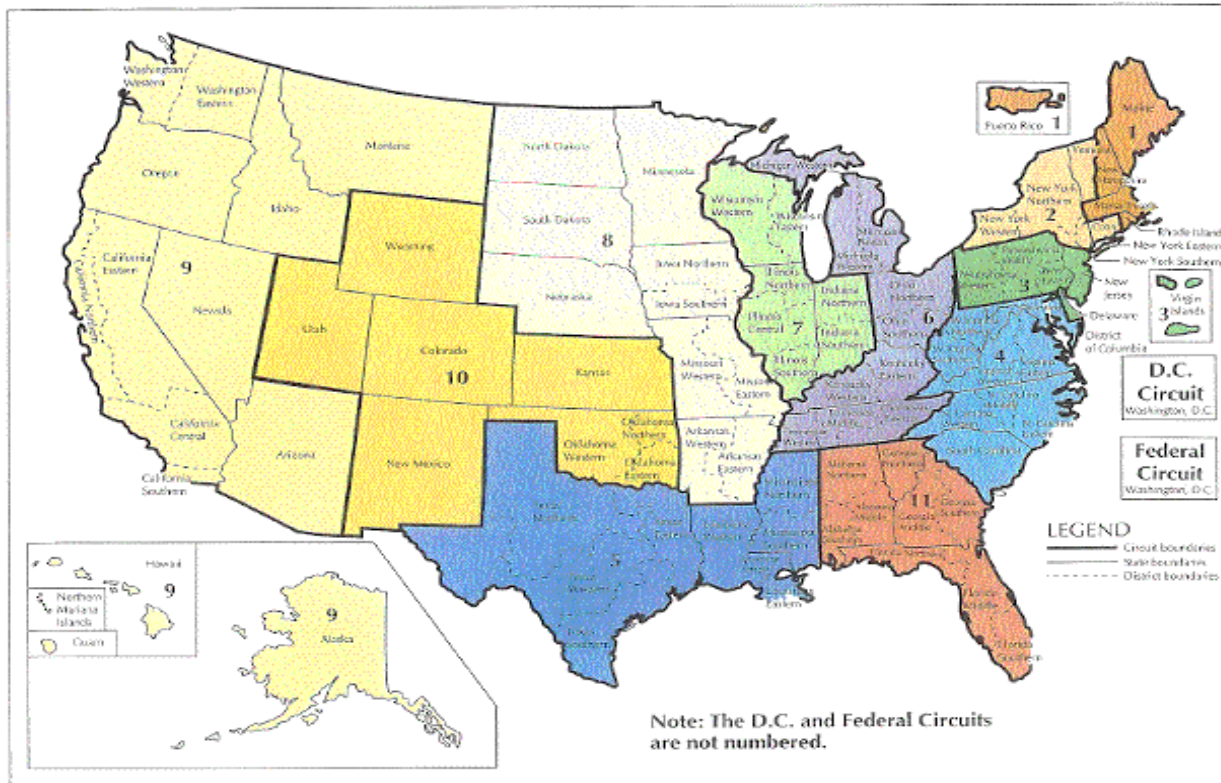
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**The students' Federal Court System Diagram should look like that in the handout "The Structure of the Federal Court System—Map and Diagram," found in the *Supplemental Materials (Unit 4)*, which will be distributed and reviewed with students later in the lesson.**

## The Structure of the Federal Court System—Map and Diagram

The federal court system is based on jurisdiction according to Article III of the U.S. Constitution, the laws made by Congress, and geographical areas based on state boundaries in the country.

**Figure 5.2 The Thirteen Federal Judicial Circuits**



Source: Administrative Office of The United States Courts, January, 1993.

### Diagram and Annotations of the Three Levels in the Federal Court System



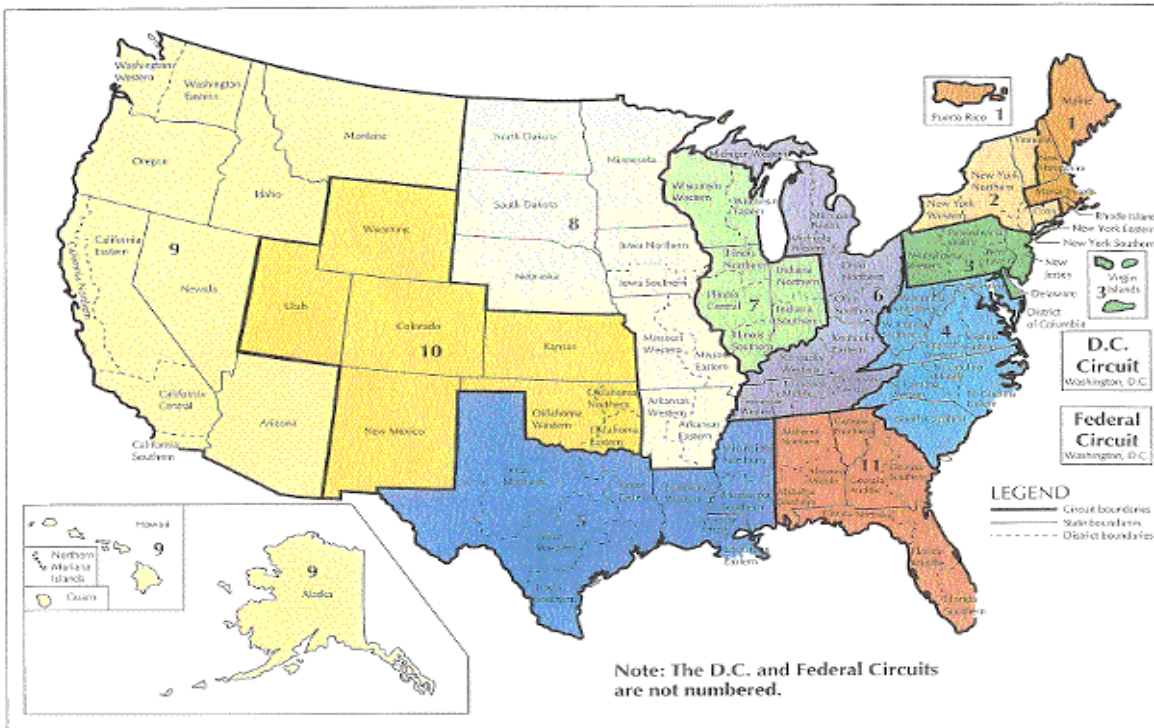
**Source of Map:** Lee P. Arbetman and Edward L. O'Brien, *Street Law: A Course in Practical Law*, 6<sup>th</sup> ed. (Lincolnwood, IL: National Textbook Co., 1999), Figure 5.2, p. 53, citing "Administrative Office of The United States Courts, January, 1993."

## **Teacher Reference Sheet**

### **The Structure of the Federal Court System—Map and Diagram**

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**Figure 5.2 The Thirteen Federal Judicial Circuits**



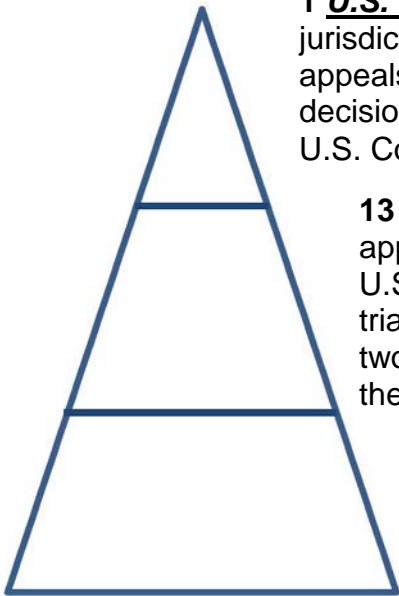
Source: Administrative Office of The United States Courts, January, 1993.

### **Diagram and Annotations of the Three Levels in the Federal Court System**

**1 U.S. Supreme Court** in Washington, D.C.—Exercises mostly appellate jurisdiction with 9 judges (justices) per case, no trials or juries; *chooses* most appeals it will review and decide; final appeal (and so final interpretation and decision) of cases from *all* federal courts and states' highest courts, *if* federal law or U.S. Constitution involved.

**13 U.S. Circuit Courts of Appeal**—There are 11 numbered circuit courts with appellate jurisdiction. They must accept and decide most from appeals from U.S. district courts within its region. There are usually 3 judges per case with no trials or juries; the courts review whether the lower court made legal errors. The two other appellate courts are the DC Circuit Court and the court of Appeals for the Federal Circuit.

**94 U.S. District Courts**—one court per federal judicial district, an area within a state up to a whole state's area, with original jurisdiction over almost all federal case arising the area; usually one judge per case from its start through its trial, usually with a jury.



## **A Case Study of Dual Sovereignty: *Sitz v. Dept. of State Police***

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**Directions:** Read about the *Sitz* case, and answer the questions about it that follow. Be prepared to explain and defend your answers based upon specific references to the information in the reading.

Introduction. This case study involves an actual court case that serves as the basis for examining the differences, similarities, and interactions between the federal and state court systems. It shows how actions by state government can involve rights protected by both the US Constitution and the Michigan Constitution. Although the U.S. Supreme Court using the power of judicial review is the final arbiter of the U.S. Constitution, a state supreme court using judicial review, is the final arbiter of its state constitution. As the case below shows, states can provide more protections to its citizens than those provided by the U.S. Constitution.

The Facts of the Case. In 1986 the Michigan Department of State Police began using random sobriety checkpoints on state roads to try to crack down on drinking and driving. These checkpoints were intended to help law enforcement agencies combat DUI (driving under the influence) and DWI (driving while intoxicated). Both DUI and DWI are state crimes that are tried in and punished by state courts.

A group of licensed drivers decided to challenge the sobriety checkpoints in state court. They started their case by filing a lawsuit on July 11, 1986 in Wayne County Circuit Court (a state trial court). They claimed that the state police checkpoints violated the Fourth Amendment to the U.S. Constitution, which prohibits “unreasonable searches and seizures.” Rick Sitz was the named party (“plaintiff”) who represented the licensed drivers in the lawsuit that wanted to stop the actions of the Michigan State Police as unconstitutional.

Lower Court Decision. In 1988, the Michigan trial court ruled in the drivers’ favor because, the court found, the checkpoints violated the Fourth Amendment to the U.S. Constitution. The Michigan Department of State Police appealed the decision to the Michigan Court of Appeals. The state appellate court affirmed the trial court’s opinion (agreed with the decision of the trial court). Although the state police sought review from the Michigan Supreme Court, that court refused to accept the case for review.

The Michigan Department of State Police therefore sought review by the U.S. Supreme Court on February 22, 1989. The U.S. Supreme Court granted certiorari (agreed to hear the case) to address the Fourth Amendment issue under the U.S. Constitution. Since the Supreme Court agreed that the sobriety checkpoints were a “seizure” as it interpreted the Fourth Amendment, the only question the Court had to resolve was whether the “seizure” violated the drivers’ rights because it was “unreasonable.”



U.S. Supreme Court Decision. The U.S. Supreme Court decided that the seizure was reasonable. Writing for the majority, Chief Justice Rehnquist stated that "... the State's interests in preventing drunken driving, the extent to which this system can reasonably be said to advance that interest, and the degree of intrusion upon the individual motorists who are briefly stopped, weighs in favor of the state program." The U.S. Supreme Court therefore concluded that the Michigan Court of Appeals erred (was wrong) when it determined that the sobriety checkpoints violated the Fourth Amendment. The U.S. Supreme Court remanded the case (sent it back) to that state court with instructions to resolve the case consistently with the U.S. Supreme Court's interpretation of the Fourth Amendment.

Under the Michigan Constitution. After losing in the U.S. Supreme Court, Sitz continued to pursue the case in the Michigan state court system. This time Sitz alleged that the sobriety checkpoints violated the *Michigan* Constitution (Article 1, Section 11), which like the Fourth Amendment prohibited "unreasonable searches and seizures." This state claim went before the Michigan Court of Appeals. To decide this claim, the Michigan courts had to interpret the Michigan Constitution. The Michigan court decided that, even if the checkpoints did *not* violate the Fourth Amendment to the U.S. Constitution, they *did* violate the *Michigan* Constitution. The police appealed to the Michigan Supreme Court, which affirmed (agreed with) the Michigan Court of Appeals' decision, stating in part:

[T]he Constitutional liberties include the right to travel, and automobiles generally may not be searched absent probable cause. In this case, the state police erected sobriety checkpoints along state highways, at which all vehicles were required to stop. While stopped, the drivers were briefly inspected by officers for signs of intoxication, and permitted to resume their travels if no signs were detected. *This warrantless, suspicionless stop of vehicles for the purposes of criminal investigation violated the Michigan Constitution.* (Emphasis added.)

Furthermore, the Michigan Supreme Court explained that its decision could be reconciled with the opposite conclusion of the U.S. Supreme Court in this same case. The Michigan Court stated that federal constitutional law provided a "floor" for state court cases. No state can use its state constitution to take away protections given under the U.S. Constitution because it is the supreme law of the land. State courts cannot adopt state constitutional interpretations that fall below the federal constitutional "floor" or that otherwise take away rights guaranteed under the U.S. Constitution. State courts may, however, interpret the state constitution to provide more rights to citizens, in effect establishing a "higher 'ceiling' of rights for individuals."

Conclusion. In other words, state constitutions may provide more or broader rights than the federal constitution, but never less than the federal constitution. *Sitz* was such a case: the Michigan Supreme Court found that, under the particular circumstances, the Michigan Constitution as interpreted provided more protection for the individual right to free from "unreasonable searches and seizures" than did the U.S. Constitution as interpreted by the U.S. Supreme Court.

Questions

*Write your answers in complete sentences in the space provided after each question.*

**1. Draw a flow chart of how the case moved through the court systems below.**

**2. If this case began and was appealed in the state court system, why was the U.S. Supreme Court able to hear this case? What was the ground in Article III, Section 2 for its exercise of jurisdiction?**

**3. Once the U.S. Supreme Court had decided the case, how could the Michigan courts also rule on it? Did the Michigan Court of Appeals and the Michigan Supreme Court in effect overrule the U.S. Supreme Court? Why or why not?**

**4. Could the Dept. of State Police have appealed to the U.S. Supreme Court again after the Michigan Supreme Court's decision? Why or why not?**

**5. How does this case illustrate the constitutional principles of federalism, limited government, and judicial review as applied to the judicial branches of the state and federal governments?**

**6. Explain how the Sitz cases reflect the concept of dual sovereignty.**

Adapted from: "Understanding Federal and State Courts Case Study." US Courts. 4 June 2012  
<<http://www.uscourts.gov/EducationalResources/FederalCourtBasics/CourtStructure/UnderstandingFederalAndStateCourtsCaseStudy.aspx>>.

## Teacher Reference Sheet

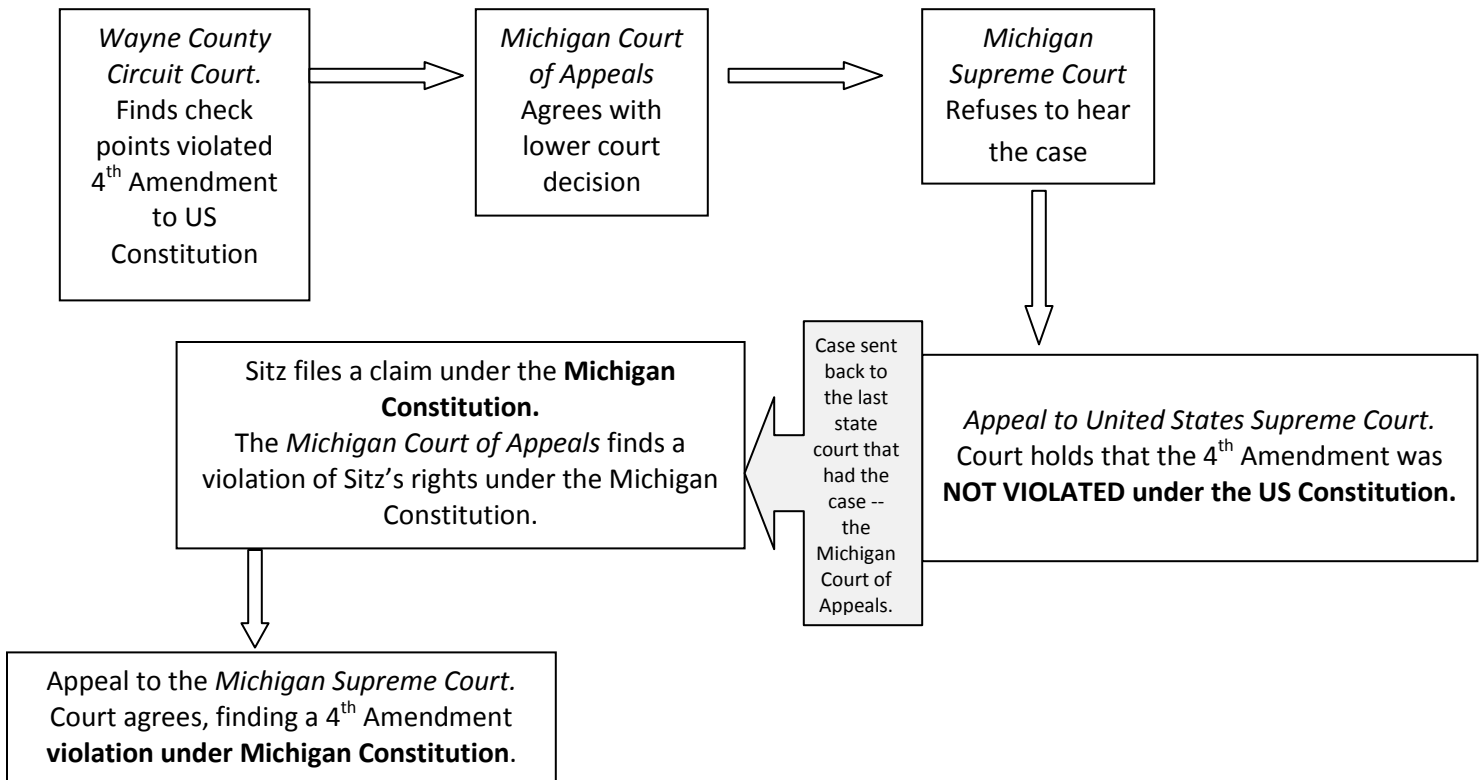
### A Case Study of Dual Sovereignty: *Sitz v. Dept. of State Police*

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#### Questions

Write your answers in complete sentences in the space provided after each question.

**1. Draw a flow chart of how the case moved through the court systems below.**



**2. If this case began and was appealed in the state court system, why was the U.S. Supreme Court able to hear this case? What was the ground in Article III, Section 2 for its exercise of jurisdiction?**

*The drivers who brought this case alleged that it violated their Fourth Amendment right against "unreasonable searches and seizures," which is part of the U.S. Constitution. Since the state court interpreted a provision of the federal constitution, it subjected itself to review by the U.S. Supreme Court, which is the final authority on the meaning of the U.S. Constitution (and all federal law). Article III, Section 2 of the U.S. Constitution gives the U.S. Supreme Court the jurisdiction (power) to decide "all Cases, ..., arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; ... ." This is called "federal question" jurisdiction, and the "federal question" in this case that allowed an appeal from the Michigan court system to the U.S. Supreme Court concerned the interpretation and application on the plaintiff drivers' rights under the Fourth Amendment.*

**3. Once the U.S. Supreme Court had decided the case, how could the Michigan courts also rule on it? Did the Michigan Court of Appeals and the Michigan Supreme Court in effect overrule the U.S. Supreme Court? Why or why not?**

*Although the facts of the case had not changed, the claims about what rights were at stake did. When the case came before the U.S. Supreme Court, the drivers argued that the sobriety checkpoints violated the Fourth Amendment to the U.S. Constitution. When the Court concluded that no constitutional violation occurred, the drivers challenged the same state police action in state court. This time they alleged a violation of the Michigan Constitution, which also prohibited "unreasonable searches and seizures." The Michigan Supreme Court ultimately concluded that the sobriety checkpoints did violate the Michigan Constitution. Since the Michigan Supreme Court was interpreting solely the state constitution, it did not contradict the U.S. Supreme Court's interpretation of the U.S. Constitution. A state court cannot overrule the U.S. Supreme Court when it has interpreted a provision of the federal constitution (or a federal law or treaty). Regardless of the U.S. Supreme Court's interpretation of the U.S. Constitution, a state supreme court has the final determination of the meaning of its state constitution, even in the same case. (Of course, no law or interpretation, not even a state constitution finally interpreted by a state supreme court, may conflict with the U.S. Constitution as interpreted by the U.S. Supreme Court.)*

**4. Could the Dept. of State Police have appealed to the U.S. Supreme Court again after the Michigan Supreme Court's decision? Why or why not?**

*No, the final interpretation of the Michigan state constitution lies with the Michigan Supreme Court. Once it determined that the state police's sobriety checkpoints violated a right protected by the Michigan Constitution, there is no further appeal. The drivers lost in the U.S. Supreme Court under the U.S. Constitution, but they won in the Michigan Supreme Court under the Michigan Constitution. The case concluded with the second, state court interpretation of state law.*

**5. How does this case illustrate the constitutional principles of federalism, limited government, and judicial review as applied to the judicial branches of the state and federal governments?**

*This case is an example of how the federal and state court systems, each with its own jurisdiction and power of judicial review, interact with each other. Both the federal and the state constitutions came into play. The case illustrates federalism because it shows, on the one hand, how the federal courts, ending with the U.S. Supreme Court, are the final arbiters of federal law (including the interpretation of the U.S. Constitution). However, this case also shows how the state courts, ending here with the Michigan Supreme Court, are the final arbiters of state law, including the interpretation of the state constitution. These are separate and independent judicial powers - one federal, one state. Besides federalism, then, this case illustrates judicial review because both court systems may exercise it within their respective jurisdictions. Finally Sitz illustrates limited government because in this case the U.S. Supreme Court has no power to change the Michigan Supreme Court's interpretation and application of the Michigan Constitution.*

**Summary of the Big Ideas Sitz Demonstrates**

- The Fourth Amendment to the United States Constitution prohibits "unreasonable searches and seizures." The Constitution of the State of Michigan independently protects the same right.
- Through judicial interpretation of the Fourteenth Amendment of the U.S. Constitution, most of the provisions of the federal Bill of Rights, including the Fourth Amendment, have become incorporated (or made applicable) to the states.

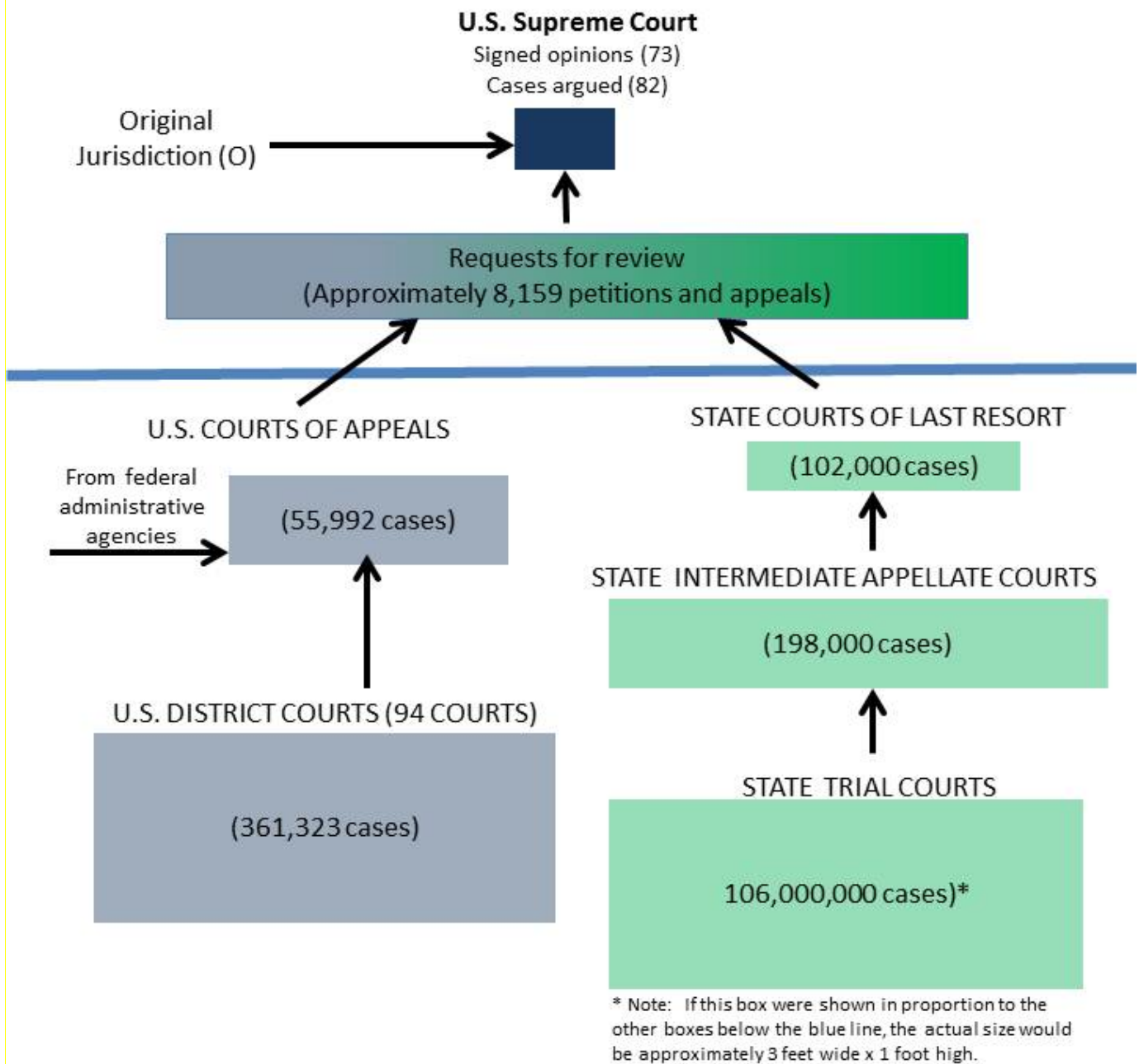


- The state courts have the judicial power to interpret the U.S. Constitution subject to final review by the U.S. Supreme Court, but the U.S. Constitution limits the power of federal courts so that they cannot interpret state constitutions or state law. The final interpretation of a state constitution and state law review lies with the state's supreme court.
- This case went before both the U.S. Supreme Court and the Michigan Supreme Court because the plaintiffs (the licensed drivers who sued the state police) claimed that the sobriety checkpoints were an "unreasonable search and seizure" under *both* the U.S. Constitution *and* the Michigan Constitution. Therefore, the plaintiffs said, the police had violated *both* their *federal* constitutional rights *and* their *state* constitutional rights. This meant that, under the principle of dual sovereignty, two different supreme courts had the final interpretation of the two separate constitutions.
- While the U.S. Supreme Court interpreted the U.S. Constitution to determine that the sobriety checkpoints *were not* "unreasonable" under the Fourth Amendment, the Michigan Supreme Court held that they *were* "unreasonable" as it interpreted the Michigan Constitution. These different results in the same case shows that although federal judicial review may provide a "floor" for individual rights that state courts may not go below, state judicial review may provide more protection based on state constitution or laws.

Adapted from: "Understanding Federal and State Courts Case Study" at  
<http://www.uscourts.gov/EducationalResources/FederalCourtBasics/CourtStructure/UnderstandingFederalAndStateCourtsCaseStudy.aspx>

## The Federal and State Court Systems

Based on 2008-2009 Data



The federal courts have three tiers: district courts, courts of appeals, and the Supreme Court. The Supreme Court was created by the Constitution; all other federal courts were created by Congress. State courts dwarf federal courts, at least in terms of case load. There are more than one hundred state cases for every federal case filed. The structure of state courts varies from state to state; usually, there are minor trial courts for less serious cases, major trial courts for more serious cases, intermediate appellate courts and the supreme courts. State courts were created by state constitutions.

Adapted and data updated from: Kenneth Janda, Jeffrey M. Berry, and Jerry Goldman, *The Challenge of Democracy*, 9<sup>th</sup> ed. (Boston: Houghton Mifflin Co., 2008), p. 429.

## Examples of the Jurisdiction of the State and Federal Court Systems

State Courts	Federal Courts	State or Federal Courts
<ul style="list-style-type: none"> <li>Crimes under state law.</li> <li>State constitutional issues and cases involving state laws or regulations.</li> <li>Family law issues.</li> <li>Real property issues.</li> <li>Most private contract disputes (except those resolved under bankruptcy law).</li> <li>Most issues involving the regulation of trades and professions.</li> <li>Most professional malpractice issues.</li> <li>Most issues involving the internal governance of business associations such as partnerships and corporations.</li> <li>Most personal injury lawsuits.</li> <li>Most workers' injury claims.</li> <li>Probate and inheritance matters.</li> <li>Most traffic violations and registration of motor vehicles.</li> </ul>	<ul style="list-style-type: none"> <li>Crimes under statutes (laws) enacted by Congress.</li> <li>Most cases involving federal laws or regulations (for example: tax, Social Security, broadcasting, civil rights).</li> <li>Matters involving interstate and international commerce, including airline and railroad regulation.</li> <li>Cases involving securities and commodities regulation, including takeover of publicly held corporations.</li> <li>Admiralty cases.</li> <li>International trade law matters.</li> <li>Patent, copyright, and other intellectual property issues.</li> <li>Cases involving rights under treaties, foreign states, and foreign nationals.</li> <li>State law disputes when "diversity of citizenship" exists.</li> <li>Bankruptcy matters.</li> <li>Disputes between states.</li> <li>Habeas corpus actions.</li> <li>Traffic violations and other misdemeanors occurring on certain federal property.</li> </ul>	<ul style="list-style-type: none"> <li>Crimes punishable under both federal and state law.</li> <li>Federal constitutional issues.</li> <li>Certain civil rights claims.</li> <li>"Class action" cases.</li> <li>Environmental regulations.</li> <li>Certain disputes involving federal law.</li> </ul>

<http://www.uscourts.gov/EducationalResources/FederalCourtBasics/UnderstandingTheFederalCourts.aspx>

## Federal and State Court Systems Case Scenarios

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Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Directions:** Using your copy of “Examples of the Jurisdiction of the State and Federal Court Systems,” together with your knowledge of the constitutional division of power between the state and federal governments, state the following for each of the case scenarios below:

- (a) Does the scenario involve a state court case, a federal court case or possibly both, and why?
- (b) Does the scenario involve a case in a court with original jurisdiction or a court with appellate jurisdiction, and why?
- (c) Does the scenario involve a case that could be appealed to the U.S. Supreme Court, and why or why not?

1. The Ohio River forms the boundary between the states of Ohio and Kentucky. However, because the river has changed its course over time, Ohio’s boundary has expanded into what was Kentucky. Kentucky sues Ohio to have their boundary adjusted.

Also answer: If Kentucky loses its lawsuit in number 1 above, to what court may it seek review of its lawsuit?

2. A famous former NFL player who has become a celebrity actor and commercial spokesman is accused of brutally murdering his ex-wife and her friend at her house in southern California. His sensational, televised criminal trial takes place in this kind of court.
3. Even though a jury acquits the accused in number 2 above, the parents of the murdered ex-wife sue him for the loss of their daughter due to his actions. A jury in this “wrongful death” case finds him liable and awards the parents millions of dollars in damages.

4. A psychologically unstable man who thinks that the government wants to harm him attends a public meeting at a shopping center near Phoenix, Arizona, where a congresswoman will be speaking with her constituents. Armed with several semi-automatic weapons, he shoots indiscriminately into the crowd around the congresswoman. Before he is subdued, he has killed several people, including a federal judge and a young girl. He has also seriously wounded the congresswoman and a several spectators.
  
5. A scientist is arrested and charged with the terrorist act of sending poison in letters to members of Congress. Several congressional staff members are made ill and two die as a result of breathing in the deadly spores when they opened the letters.
  
6. After a jury trial, the scientist in number 5 above is convicted and sentenced to death. He claims, however, that his trial was unfair because the trial judge made a legal mistake: the judge allowed the jury to hear and consider alleged statements he made after he was arrested but before he received his *Miranda* warnings. This court will hear and decide whether this is correct.
  
7. According to law, any uninsured motorist who was involved in an accident would automatically lose his/her driver's license. The law did not provide an opportunity for a hearing to determine how and why the uninsured motorist was involved in the accident—for example if he/she were in any way at fault. An uninsured motorist who was involved in an accident, but who claimed he was an innocent victim, nevertheless had his license suspended. He argued that the suspension under the law violated his Fourteenth Amendment right to “due process” before he was deprived of his life, liberty or property.

8. An inventor sues Chrysler and Ford Motor Company, alleging that they violated his patent for intermittent windshield wipers. A jury agrees with him, but the auto companies claim that they should get a new trial because the judge did not correctly interpret and explain the law to the jury before it deliberated. However this court, after reviewing the case, upholds the jury's verdict.
  
9. A passenger preparing to fly from Detroit to New York objects to the new body scanning equipment used to search him before he boards the plane because he believes he should be able to travel by airplane without the invasion of privacy resulting from this kind of search. He sues the Transportation Security Administration for violating his constitutional rights.
  
10. Walt, a public school teacher, claims that a required contribution to the state employees' retirement fund for others' health care violates the Michigan Constitution. Walt lost his case after trial, and he lost the first court review of his case. If Walt wants his case further reviewed, he will have to persuade this court to agree to hear his case.
  
11. When a convicted defendant was sentenced 30 years in prison for stealing over \$10 million dollars from her employer and customers, she asked this court to review her case.



12. In the early morning hours of a spring day, two American ships sailing in a dense fog bank collided in Lake Superior. One of the ships sank with the loss of a sailor and all of its cargo. The other ship was seriously damaged. The companies that own each ship blamed the other's crew for the collision and resulting loss. In addition, one of the insurers of the ship which sank refused to pay for lost cargo because, the insurance company claimed, the crew had acted in breach of the insurance contract. The disputes end up in this court.
  
13. The police suspected a farmer of growing marijuana in one of his fields, which is surrounded by a 15 foot high fence on all sides. Since they do not have enough evidence to get a warrant allowing them to search the farmer's property, the police charter a helicopter and fly over the farmer's fields. From the air, they can easily see and photograph marijuana plants. Based on this evidence, the police obtain a warrant, arresting the farmer for the "manufacture" and possession of an illegal drug, as well as for violations of laws regulating the use of land for farming. The farmer's defense argues that the fly over was an unreasonable search of his property.
  
14. A husband-father sued his wife-mother for divorce and for custody of the couple's child. The court after a bench trial (one without a jury, where the judge decides) granted the divorce, but awarded custody to the mother. This court also ordered the ex-husband to pay alimony to the ex-wife in addition to child support.
  
15. A husband-father sued his wife-mother for divorce and for custody of the couple's child. A law in the jurisdiction stated that only ex-wives could receive alimony payments and child custody would be awarded to the mother unless the father could show "extraordinary circumstances." The court after a bench trial granted the divorce, and following the law, awarded alimony and child custody to the ex-wife-mother. The ex-husband-father claimed that the court could not constitutionally follow the law because it denied him "equal protection" of the laws under the Fourteenth Amendment.

## REFERENCE GUIDE - FEDERALISM

### Powers of the National Government

- Regulate interstate and foreign trade
- Raise and support armed forces
- Declare war and make treaties
- Coin and print money
- Grant patents and copyrights
- Establish federal courts
- Govern territories and admit new states
- Set standards of weights and measures
- Establish a postal system
- Regulate immigration
- Receive foreign ambassadors
- Settle dispute between states
- Admit new states

### Powers Reserved for State Governments

- Regulate trade within the state
- Write business/corporation laws
- Establish and maintain public schools
- Set up local governments
- Pass marriage and divorce laws
- Conduct elections
- Ratify constitutional amendments

### Powers Shared by National and State Governments

- Collect taxes
- Borrow money
- Make and enforce laws
- Establish and maintain courts
- Charter banks
- Provide for public welfare

## ***Teacher Reference Sheet***

### **Federal and State Court Systems Case Scenarios**

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- (a) Does the scenario involve a state court case, a federal court case or possibly both, and why?
  - (b) Does the scenario involve a case in a court with original jurisdiction or a court with appellate jurisdiction, and why?
  - (c) Does the scenario involve a case that could be appealed to the U.S. Supreme Court, and why or why not?
1. The Ohio River forms the boundary between the states of Ohio and Kentucky. However, because the river has changed its course over time, Ohio's boundary has expanded into what was Kentucky. Kentucky sues Ohio to have their boundary adjusted. Also answer: If Kentucky loses its lawsuit in number 1 above, to what court may it seek review of its lawsuit?
- (a) A federal court case between two states.**
  - (b) A court with original jurisdiction—the U.S. Supreme Court.**
  - (c) Since the case lies within the original jurisdiction of the Supreme Court, there can be no appeal to the Supreme Court**
- None, there is no review of the Supreme Court's decision in a case within its original jurisdiction.**
2. A famous former NFL player who has become a celebrity actor and commercial spokesman, is accused of brutally murdering his ex-wife and her friend at her house in southern California. His sensational, televised criminal trial takes place in this kind of court.
- (a) A California state court case (an "ordinary" common law crime like murder).**
  - (b) A state court with original jurisdiction.**
  - (c) No, as presented so far, there is no issue of federal law or the U.S. Constitution.**
3. Even though a jury acquits the accused in number 2 above, the parents of the murdered ex-wife sue him for the loss of their daughter due to his actions. A jury in this "wrongful death" case finds him liable and awards the parents millions of dollars in damages.
- (a) A California state court case (an "ordinary" civil action for damages).**
  - (b) A state court with original jurisdiction.**
  - (c) No, as presented so far, there is no issue of federal law or the U.S. Constitution.**

4. A psychologically unstable man who thinks that the government wants to harm him attends a public meeting at a shopping center near Phoenix, Arizona, where a congresswoman will be speaking with her constituents. Armed with several semi-automatic weapons, he shoots indiscriminately into the crowd around the congresswoman. Before he is subdued, he has killed several people, including a federal judge and a young girl. He has also seriously wounded the congresswoman and a several spectators.
- (a) Both an Arizona state court case (crimes against the non-federal officer/employee victims) and a federal district court case (crimes against the federal officer/employee victims)**
  - (b) A state and a federal court with original jurisdiction.**
  - (c) As presented so far, the state court case will not be reviewable by the U.S. Supreme Court, but the federal case may be.**
5. A scientist is arrested and charged with the terrorist act of sending poison in letters to members of Congress. Several congressional staff members are made ill and two die as a result of breathing in the poison spores when they opened the letters.
- (a) A federal district court case (crime using U.S. mails, in inter-state commerce, and federal officer/employee victims).**
  - (b) A federal court with original jurisdiction.**
  - (c) Yes, as the case is in the federal court system with the U.S. Supreme Court as the top level of review.**
6. After a jury trial, the scientist in number 5 above is convicted and sentenced to death. He claims, however, that his trial was unfair because the trial judge made a legal mistake: the judge allowed the jury to hear and consider alleged statements he made after he was arrested but before he received his *Miranda* warnings. This court will hear and decide whether this is correct.
- (a) A federal circuit court of appeals case (the first appellate level from a U.S. district court in the federal court system).**
  - (b) A federal court with appellate jurisdiction.**
  - (c) Yes, as the case is in the federal court system with the U.S. Supreme Court as the top level of review.**
7. According to law, any uninsured motorist who was involved in an accident would automatically lose his/her driver's license. The law did not provide an opportunity for a hearing to determine how and why the uninsured motorist was involved in the accident—for example if he/she were in any way at fault. An uninsured motorist who was involved in an accident, but who claimed he was an innocent victim, nevertheless had his license suspended. He argued that the suspension under the law violated his Fourteenth Amendment right to "due process" before he was deprived of his life, liberty or property.
- (a) A state court case (administration and regulation of traffic and motor vehicle licenses and insurance, "ordinary" automobile accident).**
  - (b) A state court with original jurisdiction.**

- (c) Yes, the U.S. Supreme Court may review a state case such as this one where there is an issue of federal law or involving the U.S. Constitution (here the Fourteenth Amendment right to “due process” before the state deprives him of “life, liberty or property”).**
8. An inventor sues Chrysler and Ford Motor Company, alleging that they violated his patent for intermittent windshield wipers. A jury agrees with him, but the auto companies claim that they should get a new trial because the judge did not correctly interpret and explain the law to the jury before it deliberated. However this court, after reviewing the case, upholds the jury’s verdict.
- (a) A federal circuit court of appeals case (an appeal in a patent law case).**
- (b) A federal court with appellate jurisdiction.**
- (c) Yes, as the case is in the federal court system with the U.S. Supreme Court as the top level of review.**
9. A passenger preparing to fly from Detroit to New York objects to the new body scanning equipment used to search him before he boards the plane because he believes he should be able to travel by airplane without the invasion of privacy resulting from this kind of search. He sues the Transportation Security Administration for violating his constitutional rights.
- (a) A federal district court case (a Fourth Amendment claim against a U.S. agency’ action and regulation of inter-state commerce).**
- (b) A federal court with original jurisdiction.**
- (c) Yes, as the case is in the federal court system with the U.S. Supreme Court as the top level of review (and it involves federal law and the U.S. Constitution).**
10. Walt, a public school teacher, claims that a required contribution to the state employees’ retirement fund for others’ health care violates the Michigan Constitution. Walt lost his case after trial, and he lost the first court review of his case. If Walt wants his case further reviewed, he will have to persuade this court to agree to hear his case.
- (a) A Michigan state court case (claim based on conflict between Michigan state law and the Michigan Constitution).**
- (b) A Michigan state court with appellate jurisdiction—the Michigan Supreme Court.**
- (c) No, as presented so far, there is no issue of federal law or the U.S. Constitution; on issues purely of state law and the state constitution, the state’s highest appellate court (here, the Michigan Supreme Court) has the final decision.**

11. When a convicted defendant was sentenced 30 years in prison for stealing over \$10 million dollars from her employer and customers, she asked this court to review her case.

- (a) A state court case (an “ordinary” common law theft crime).**
- (b) A state intermediate court with appellate jurisdiction (in Michigan, the Michigan Court of Appeals).**
- (c) No, as presented so far, there is no issue of federal law or the U.S. Constitution.**

12. In the early morning hours of a spring day, two American ships sailing in a dense fog bank collided in Lake Superior. One of the ships sank with the loss of a sailor and all of its cargo. The other ship was seriously damaged. The companies that own each ship blamed the other's crew for the collision and resulting loss. In addition, one of the insurers of the ship that sank refused to pay for lost cargo because, the insurance company claimed, the crew had acted in breach of the insurance contract. The disputes end up in one court.

- (a) A federal district court case (an admiralty case).**
- (b) A federal court with original jurisdiction.**
- (c) Yes, the case is in the federal court system under one of the constitutional grounds for federal jurisdiction, and the U.S. Supreme Court is the top level of review in that system based on that jurisdictional ground.**

13. The police suspect a farmer of growing marijuana in one of his fields, which is surrounded by a 15-foot high fence on all sides. Since they do not have enough evidence to get a warrant allowing them to search the farmer's property, the police charter a helicopter and fly over the farmer's fields. From the air, they can easily see and photograph marijuana plants. Based on this evidence, the police obtain a warrant, arresting the farmer for the “manufacture” and possession of an illegal drug, as well as for violations of laws regulating the use of land for farming. The farmer's defense argues that the fly over was an unreasonable search of his property.

- (a) A federal district court case or (probably) a state court case (the manufacture and possession of illicit drugs is regulated by both the federal and state governments, although the mention here of further violations of land use laws suggests a state court case).**
- (b) A court with original jurisdiction (probably state).**
- (c) Yes, the U.S. Supreme Court may review a state case where there is an issue of federal law or involving the U.S. Constitution (here, the Fourth Amendment).**

14. A husband-father sued his wife-mother for divorce and for custody of the couple's child. The court after a bench trial (one without a jury, where the judge decides) granted the divorce, but awarded custody to the mother. The court also ordered the ex-husband to pay alimony to the ex-wife in addition to child support.

- (a) A state court case (divorce, child custody, and related matters of family law).**
- (b) A state court with original jurisdiction.**

**(c) No, as presented so far, there is no issue of federal law or the U.S. Constitution.**

15. A husband-father sued his wife-mother for divorce and for custody of the couple's child. A law in the jurisdiction stated that only ex-wives could receive alimony payments and child custody would be awarded to the mother unless the father could show "extraordinary circumstances." The court after a bench trial granted the divorce, and following the law, awarded alimony and child custody to the ex-wife-mother. The ex-husband-father claimed that the court could not constitutionally follow the law because it denied him "equal protection" of the laws under the Fourteenth Amendment.

**(a) A state court case (divorce, child custody, and related matters of family law).**

**(b) A state court with original jurisdiction.**

**(c) Yes, the U.S. Supreme Court may review a state case where there is an issue of federal law or involving the U.S. Constitution (here, a claim that the state law denies one party to the state case rights protected by the Equal Protection Clause of the 14<sup>th</sup> Amendment).**

## A Court System True/False “Quiz”—Take Two

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Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Directions:** Read each of the following statements about court systems. For each write either a “T” in the blank if you think the statement is completely true or an “F” in the blank if you think the statement is false in any way.

- \_\_\_\_\_ 1. Since Congress has the power to create the federal court system, Congress can change it, but Congress cannot abolish the U.S. Supreme Court because Article III creates it.
- \_\_\_\_\_ 2. The federal court system includes three levels besides the U.S. Supreme Court, and these levels all have appellate jurisdiction.
- \_\_\_\_\_ 3. The U.S. Supreme Court is at the “top” of the system, the “highest” court in the nation, because it has the final say on what federal law and the U.S. Constitution means in any case.
- \_\_\_\_\_ 4. The state and federal courts form one system, with the state courts handling the less serious cases while the federal courts handle the more serious cases.
- \_\_\_\_\_ 5. Any court case in the U.S. may be appealed to the U.S. Supreme Court.
- \_\_\_\_\_ 6. Only federal courts may interpret the U.S. Constitution, and only state courts may interpret state constitutions.
- \_\_\_\_\_ 7. The “judicial power” is essentially the authority to interpret laws in order to decide actual court cases.
- \_\_\_\_\_ 8. The U.S. Supreme Court may judicially review any law or government action it believes might be unconstitutional.
- \_\_\_\_\_ 9. All courts have trials with juries.
- \_\_\_\_\_ 10. The party that loses a case chooses which court decides its appeal.
- \_\_\_\_\_ 11. Article III of the Constitution grants the federal courts the power of judicial review, which concerns determining if federal laws are constitutional.
- \_\_\_\_\_ 12. The U.S. Supreme Court may interpret any law and decide any case in the U.S.
- \_\_\_\_\_ 13. The U.S. Supreme Court case of *Marbury v. Madison* established that the U.S. Supreme Court has the power of judicial review.
- \_\_\_\_\_ 14. A party that wins its appeal gets another trial in the appellate court.
- \_\_\_\_\_ 15. All courts must follow the U.S. Supreme Court’s interpretation of the U.S. Constitution and any federal law.



Questions to Answer in the Space Provided for Each

- A. Why is the U.S. Supreme Court known as the “court of last resort,” both for federal and state court cases?
- B. Why is it important that the judicial branch of the national government have such a court at the top of the system?