

- ▶ Grants "writs of certiorari" to few cases.
- ▶ Oral argument
- ▶ Majority and dissenting opinions

Original Jurisdiction

- ▶ All cases between U.S. states, with states acting as parties
- ▶ All cases with foreign diplomats

Appellate Jurisdiction

- ▶ All other cases involving some federal issue

Procedures of the U.S. Supreme Court

Jurisdiction of the U.S. Supreme Court

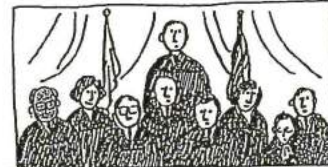
Judicial Review

- ▶ Power to declare a law unconstitutional
- ▶ Established in *Marbury v. Madison* (1803)



U.S. Supreme Court

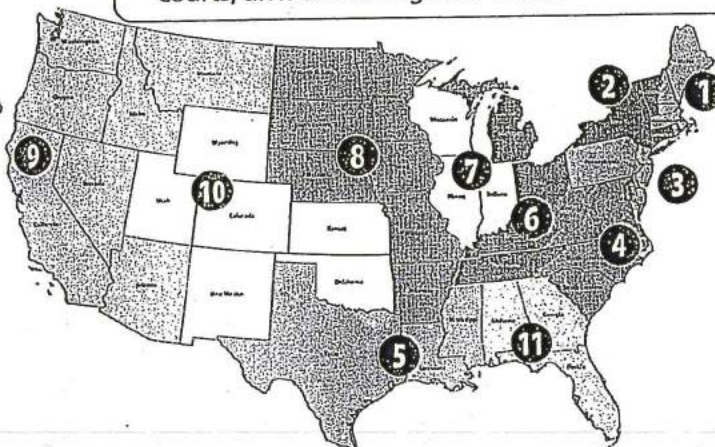
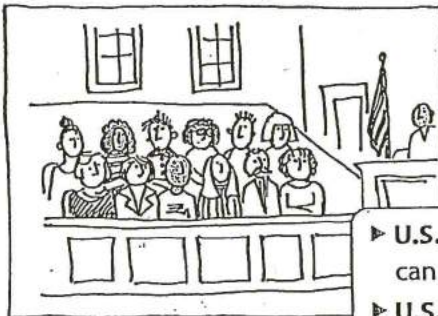
The Judicial Branch

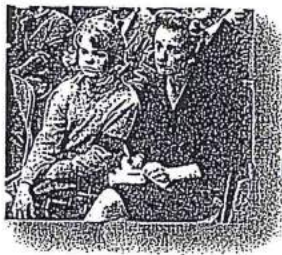


- 1 Chief Justice and 8 Associate Justices
- President nominates Justices and Senate confirms
- Federal judges have lifetime tenure
- But can be impeached for misconduct

Lower Federal Courts

- ▶ **U.S. District Courts:** federal trial courts; can have juries
- ▶ **U.S. Circuit Courts of Appeal:** federal appellate courts; divided into regional "circuits"





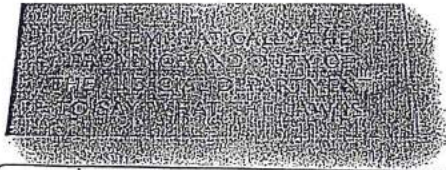
- ▶ *Tinker v. Des Moines* (1969): students have free speech rights
- ▶ *Hazelwood School District v. Kuhlmeier* (1988): schools can censor school-sponsored student newspapers

First Amendment Rights



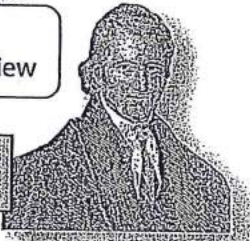
- ▶ *District of Columbia v. Heller* (2008): cities cannot ban handguns

Second Amendment Rights



- ▶ *Marbury v. Madison* (1803): established power of judicial review

Judicial Review



U.S. Supreme Court Key Decisions



Presidential Power

- ▶ *United States v. Nixon* (1974): executive privilege did not shield President Nixon
- ▶ *Bush v. Gore* (2000): halted recount for lack of standards, making Bush President



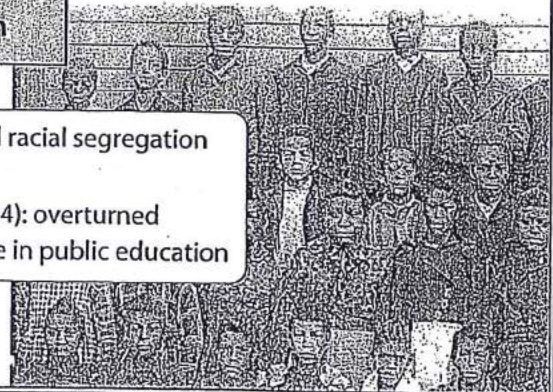
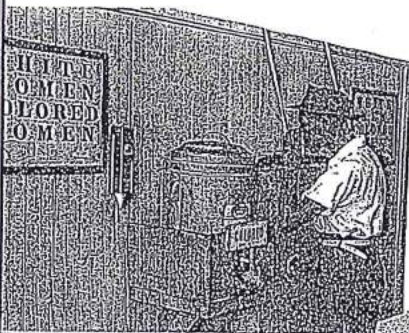
Rights of the Accused

- ▶ *Gideon v. Wainwright* (1963): poor criminal defendant entitled to court-appointed attorney
- ▶ *Miranda v. Arizona* (1966): Suspect must be told of rights prior to interrogation
- ▶ *In re Gault* (1967): minors have many "due process" rights of adults



Racial Segregation

- ▶ *Plessy v. Ferguson* (1896): upheld racial segregation if "separate but equal"
- ▶ *Brown v. Board of Education* (1954): overturned Plessy. Segregation has no place in public education



Florida "Keys" to Learning

1. The role of the judicial branch is to resolve disputes, interpret the law and apply laws to specific cases.

2. The U.S. Supreme Court is superior to all other courts in the United States. The Supreme Court is composed of one Chief Justice and eight Associate Justices. These Justices are not elected but appointed by the President to serve for "good behavior"—that is, lifetime tenure.

3. In the United States, there are many different kinds of courts. The territory and type of cases over which a court exercises its legal authority is known as its jurisdiction. A case can only be brought in a court that has jurisdiction over it. Federal courts have limited jurisdiction, since the Constitution only gives the federal government limited powers.

4. The U.S. Supreme Court has "original jurisdiction" in all cases affecting foreign ambassadors, foreign diplomats or states of the United States as parties to the dispute. In all other cases, the U.S. Supreme Court exercises appellate jurisdiction. That is, it only reviews decisions from lower courts that losing parties appeal to it.

5. A party seeking review by the Supreme Court must file a petition for a writ of certiorari (an order by an appellate court granting a request for judicial review). The Supreme Court is not required to hear all appeals and only a small number of these petitions are granted.

6. The Supreme Court generally makes its decisions after hearing an "oral argument." Sometime after oral argument, the Justices discuss the case and take a vote to reach a decision. One Justice from the majority will be chosen to write an opinion on the decision. Other Justices are free to write their own dissenting opinions.

7. Article III of the Constitution created the Supreme Court but no other federal courts. However, the article gave Congress the power to create "inferior" (lower level) federal courts if it chose to do so.

8. The very first Congress decided to make lower federal courts. These federal courts now consist of the 94 U.S. District Courts and 13 U.S. Circuit Courts of Appeals.

9. Each state has at least one U.S. District Court. Florida has three U.S. District Courts. These are trial courts that hear cases on federal issues or between citizens of different states. These courts can have juries.

10. The U.S. Circuit Courts of Appeals review cases on appeal. They are not trial courts. They are appellate courts. They hear appeals from the U.S. District Courts in their "Circuit" (region over which they have jurisdiction).

11. One of the most important powers of the U.S. Supreme Court and other federal courts is the power of judicial review. The U.S. Supreme Court and other federal courts can declare that a law is unconstitutional.



Federalism

- ▶ Division of power between federal and state governments
- ▶ "Reserved" Powers (left to the states)
- ▶ "Concurrent" Powers (shared by federal and state)
- ▶ Supremacy Clause

- ▶ Federal government meets national needs, such as defense & foreign policy
- ▶ State governments meet statewide needs, such as educational requirements
- ▶ Local governments meet local concerns, such as running a school district

Federalism and State and Local Governments

Obligations and Services of Governments

The U.S. Constitution vs. Florida Constitution

U.S. Constitution

- ▶ Preamble
- ▶ Government of 3 branches:
 - Congress
 - President and Vice President
 - Appointed Cabinet (not in Constitution)
- Federal Courts: 3 levels

Florida Constitution

- ▶ Preamble
- ▶ Florida Declaration of Rights (like Bill of Rights)
- ▶ State Government of 3 branches:
 - Governor and Lt. Governor
 - Elected Cabinet
 - Florida State Legislature
- Florida House of Representatives:
up to 120 members
- Florida Senate: up to
40 members
- Florida Courts: 4 levels

Local Governments in Florida

- ▶ **County Governments**
- ▶ **Municipal Governments:**
Governed by mayor and a council or commission;
sometimes has city manager
- ▶ **Special Districts:**
Meet special purposes

Differences between Florida and U.S. Constitutions

- ▶ Elected Cabinet in Florida
- ▶ No state income tax in Florida
- ▶ English is the official language in Florida
- ▶ Florida Constitution is easier to amend
 - 5 ways to propose amendment
 - 60% of voters must approve for adoption
- ▶ Passing law in Florida similar to Congress/
no "pocket veto" in Florida

Florida "Keys" to Learning

1. The Constitution spelled out with precision which powers were granted to the new central government and which were left to the states. Those powers granted to the federal government are known as the "enumerated" powers. The powers left for the states are known as the "reserved" powers. Powers given to both the federal government and the states, such as the power to tax, are known as "concurrent" powers. This division of power is known as federalism.

2. The Supremacy Clause—Article VI of the Constitution—declares the supremacy of federal law over state law.

3. Since the Civil War, federal power has expanded. This growth has been encouraged by the use of the federal government's "implied" powers and its role in fighting wars and maintaining the national economy.

4. There are many important similarities between the U.S. Constitution and the later Florida Constitution. Both have a preamble, articles and amendments. Both view the people as the ultimate source of all governmental power. The Florida Constitution includes the Florida Declaration of Rights, which echoes the U.S. Bill of Rights. Both documents create governments with similar structures: legislatures with a Senate and House of Representatives, executive branches led by a chief executive, and court systems with trial courts, appellate courts, and a supreme court.

5. However there are also important differences between the two constitutions. The U.S. Constitution addresses the concerns of the nation, such as defense and foreign affairs. The Florida Constitution focuses on matters specific to Florida, such as elections and voting, state finances, taxation, local government, and public education. The Florida

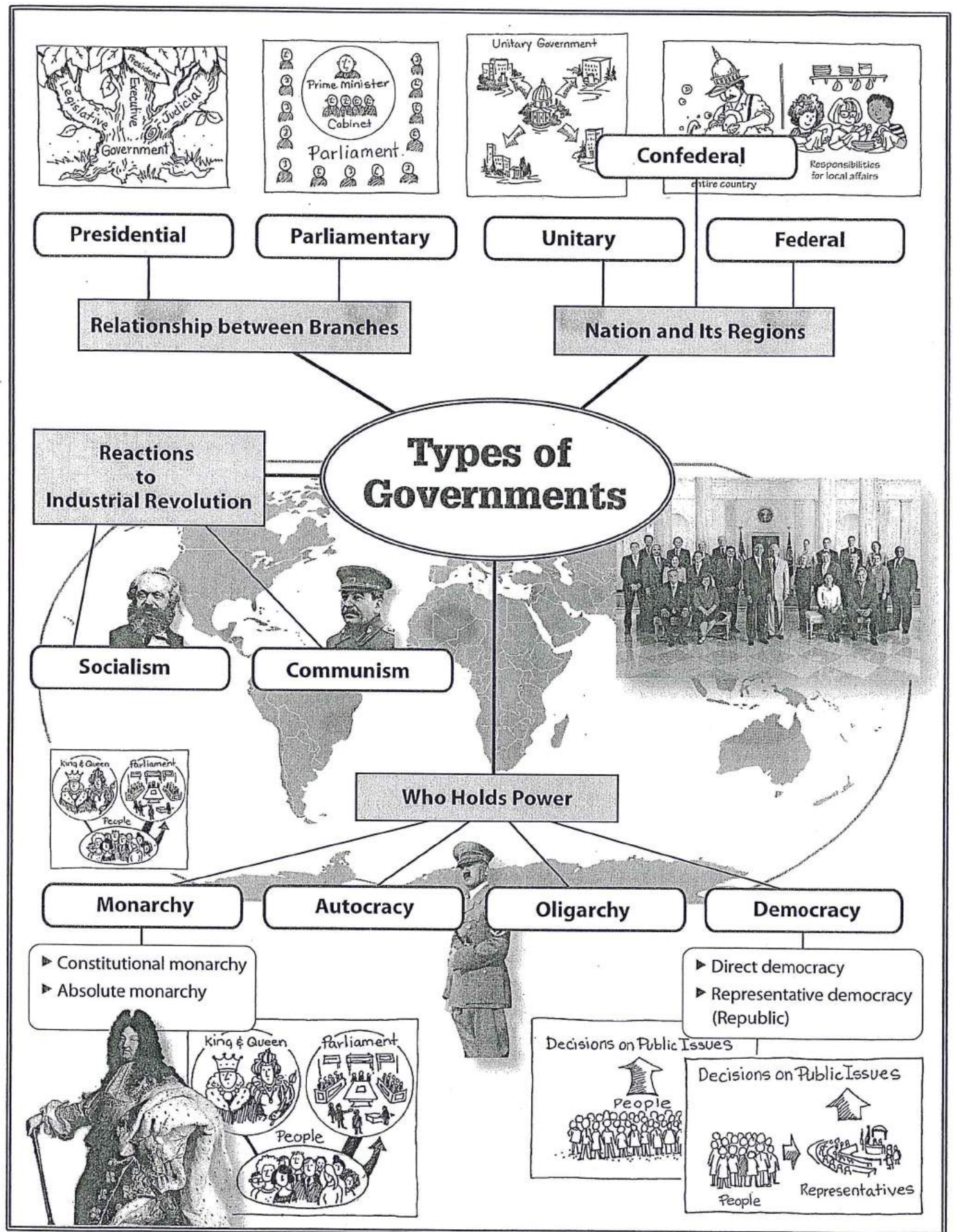
Constitution also has several unique provisions, such as its taxpayer's bill of rights. The Florida Constitution establishes English as the official language and prohibits state income taxes on individuals. The Florida Cabinet has several elected officials, such as the attorney general. The Florida Constitution is also easier to amend. An amendment can be proposed in five different ways and requires 60% of the voters to ratify it. In contrast, the U.S. Constitution needs approval in three-fourths (75%) of the states.

6. There are three main forms of local government in Florida: counties, municipalities and special districts.

7. County governments are operated by elected commissioners and make laws for the whole county, known as ordinances. Counties provide health services, maintain county courts, supervise local elections, and maintain county records. Each county is also a public school district, which has an elected school board to oversee the management of the district's schools. Voters in the district also elect a superintendent of schools.

8. Municipal governments govern towns and cities. They usually have an elected mayor. The elected members of the city council or city commission make local laws known as municipal ordinances. Some cities and towns appoint a city manager to serve as their executive. Municipal governments are responsible for fire and crime prevention and can create special commissions to look after areas such as elections, wildlife, and education.

9. Special districts are created for special purposes, such as mosquito eradication, flood control, or water rationing. They collect their own revenues for these special purposes.





- **Democratic Party:** favors more government support for programs, such as health care and public education
- **Republican Party:** favors less government, lower taxes, and more freedom

- **Libertarian Party:** wish to maximize human freedom and to reduce government and taxation
- **Green Party:** wants to reduce exploitation of the natural environment
- **Socialist Party:** favors more public services, public ownership of utilities and some industries
- **Communist Party:** believes capitalists exploit workers; revolution needed to achieve change



Major Parties

Other Parties

Political Parties in Florida

Impact of Political Parties

Positive Effects

Negative Effects

Political Parties and Elections

Voting

- Regulated by state governments
- Voters must register before voting

Elections

- Encourage citizens to participate in political parties
- Help government leaders to organize support
- Act as watchdogs over the opposing party

- Divides Americans
- Places pressure on legislators



Factors in Evaluating Candidates

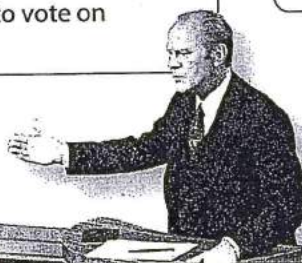
Nomination Process

- Voters show their preferences for candidates in primary elections
- Parties hold state and national conventions

Campaign for General Election

- Nominees raise funds from campaign contributions, PACs, personal savings to purchase
- Political advertising, canvas voters, hold rallies, and debate on television
- Voters go to polls to vote on Election Day

- Education
- Experience, especially in public office
- Their views on issues
- How capable they appear in debating
- How truthful their political advertisements are



What Do You Know?

SS.7.C.3.11

1. Article III of the Constitution established the U.S. Supreme Court. Why does this article refer to this court as “supreme”?
 - A. It hears more cases than any other court.
 - B. It has authority over all other courts in the United States.
 - C. Its officers are appointed by the President of the United States.
 - D. It has authority over both the executive and legislative branches.

SS.7.C.3.8

2. Why do federal judges enjoy lifetime tenure?
 - A. to ensure the system of checks and balances
 - B. to strengthen their jurisdiction over state courts
 - C. to limit the power of the legislative and executive branches
 - D. to maintain their independence from political and popular pressures

SS.7.C.3.11

3. An oil barge belonging to the State of Alabama has a massive oil leak in the Gulf of Mexico. The leaked oil damages the beautiful beaches of Destin, Panama City, and Ft. Walton. The oil also endangers the shrimp and crab industry of Florida. The State of Florida sues the State of Alabama. Which court has jurisdiction over the case?
 - A. U.S. Supreme Court
 - B. Florida Supreme Court
 - C. U.S. Court of Appeals for the 11th Circuit
 - D. U.S. District Circuit Court for the Northern District of Florida

SS.7.C.3.11

4. How does an appellate court differ from a trial court?
 - A. An appellate court usually has a jury.
 - B. An appellate court decides issues of fact.
 - C. An appellate court examines more witnesses.
 - D. An appellate court reviews another court’s decision

SS.7.C.3.11

5. The Rio Grande forms the international border between Texas and Mexico. Over the years, the Rio Grande has changed its course several times. This has led to a number of disputes between Texas, New Mexico, and Mexico. The Country Club dispute between Texas and New Mexico was decided by the U.S. Supreme Court in 1927.
Why did the Supreme Court exercise original jurisdiction over this case?
 - A. The case involved federal law.
 - B. The case was between several states as parties.
 - C. The case was between citizens of different states.
 - D. The case involved foreign ambassadors, public ministers and consuls.

SS.7.C.3.11

6. Which are the only federal courts to have juries?
 - A. U.S. District Courts
 - B. U.S. Supreme Court
 - C. U.S. Circuit Court of Appeals
 - D. U.S. District Court of Appeals

SS.7.C.3.8.11

7. What step can a party immediately take once it loses its case in U.S. District Court?
 - A. It can appeal to the U.S. Supreme Court.
 - B. It can appeal to the Florida Supreme Court.
 - C. It can appeal to the U.S. Circuit Court of Appeals.
 - D. It can appeal to the Florida District Court of Appeals.

SS.7.C.3.8

8. How do the Justices of the Supreme Court communicate their decisions?
 - A. News agencies televise the Justices' voting as it happens.
 - B. The Justices cast a secret ballot and issue each decision without comment.
 - C. As soon as oral argument ends, the Justices vote and announce their decision.
 - D. Once a decision is reached, one Justice writes a majority opinion while others may write dissenting opinions.

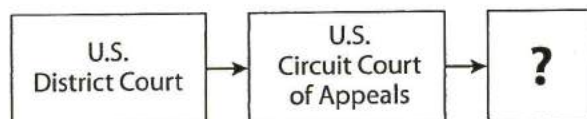
SS.7.C.3.8



9. The headline on the left appeared in a newspaper. Which statement would most likely follow this headline?
 - A. "Justice discovered to be ruling on cases solely to win votes."
 - B. "Justice found to be opposing the President's views on the case."
 - C. "Justice accused of accepting secret payments from a party in the case."
 - D. "Justice committed treason by ruling in favor of foreign consul against the United States."

SS.7.C.3.11

10. The diagram below provides details about the U.S. court system.



Which court completes the diagram?

- A. U.S. Supreme Court
- B. Florida District Court
- C. Court of Veterans Appeals
- D. Florida Supreme Court

What Do You Know?

SS.7.C.3.12

1. What was the significance of the U.S. Supreme Court decision in *Marbury v. Madison* (1803)?
 - A. It gave the Court the power to mediate disputes between different states.
 - B. It gave the Court original jurisdiction in disputes involving foreign governments.
 - C. It established the power of the Court to declare an act of Congress unconstitutional.
 - D. It established the right of the Court to advise Congress in advance on the validity of proposed laws.

SS.7.C.3.12

2. The passage below is from the 1969 U.S. Supreme Court decision in *Tinker v. Des Moines*.

Clearly, the prohibition of expression of one particular opinion, at least without evidence that it is necessary to avoid material and substantial interference with schoolwork or discipline, is not constitutionally permissible.

What did the Court conclude on the basis of this reasoning?

- A. School authorities could censor school-sponsored publications.
- B. Students were entitled to free speech rights even in a school setting.
- C. Students could not publish statements that criticized government policies.
- D. Students could not publish statements that identified other students by name.

SS.7.C.3.12

3. Which statement describes the significance of the U.S. Supreme Court's decision in *Miranda v. Arizona* (1966)?
 - A. Southern states could no longer maintain racially segregated public schools.
 - B. States could no longer have racial quotas as part of their affirmative action programs.
 - C. Individuals accused of serious crimes unable to pay for an attorney were entitled to a state-sponsored one.
 - D. Suspects had to be told of their right to have an attorney present or to remain silent during police interrogations.

SS.7.C.3.12

4. Which statement identifies the significance of the U.S. Supreme Court decision in *Brown v. Board of Education* (1954)?
 - A. It overturned racial segregation in public schools.
 - B. It overturned the earlier decision of *Gideon v. Wainwright*.
 - C. It upheld state laws requiring the payment of poll taxes to vote.
 - D. It upheld state laws requiring racial segregation on railroad cars.

SS.7.C.3.12

5. The passage below is from the U.S. Supreme Court decision *In re Gault* (1967).

From the inception of the juvenile court system, wide differences have been tolerated . . . between the procedural rights accorded to adults and those of juveniles. In practically all jurisdictions, there are rights granted to adults, which are withheld from juveniles. .

[H]istory has again demonstrated that unbridled discretion, however benevolently motivated, is frequently a poor substitute for principle and procedure. . . .

Which conclusion did the Court draw from this reasoning?

- A. Evidence cannot be presented in a court of law if obtained by police in an unlawful search.
- B. States must provide minors accused of crimes with most of the same “due process” rights given to adults.
- C. Suspects must be informed of their Fifth and Sixth Amendment rights prior to police interrogation.
- D. A person accused of a felony who is unable to afford an attorney is entitled to have one provided by the court.

SS.7.C.3.12

6. In which U.S. Supreme Court decision did Chief Justice John Marshall establish the power of the Court to invalidate a “law repugnant to [*in conflict with*] the Constitution”?
- A. *Bush v. Gore*
 - B. *Miranda v. Arizona*
 - C. *Marbury v. Madison*
 - D. *Brown v. Board of Education*

SS.7.C.3.12

7. What lesson did state courts learn from the 1963 U.S. Supreme Court case *Gideon v. Wainwright*?
- A. Minors are entitled to many of the same “due process” rights as adults.
 - B. Evidence cannot be presented in a court trial if obtained by police in an unlawful search.
 - C. Suspects must be informed of their 5th and 6th Amendment rights prior to police interrogation.
 - D. A person accused of a felony who cannot afford an attorney is entitled to have one appointed by the court.

Responses to Industrialism: Socialism and Communism

Socialism and communism were two types of governments that arose in reaction to the ill treatment of workers in the Industrial Revolution. Socialists favor peaceful reforms, while communists believe a social revolution is necessary to achieve genuine change.

Socialism

- ▶ Socialists believe that it is the government's job to improve conditions for citizens. Socialist governments establish "welfare states" in which the government takes over some industries and increases taxes in order to provide more services, like free health care and cheaper transportation.
- ▶ Socialist parties gained power in Europe after World War II, but today many socialist policies have been countered by conservative parties.

Communism

- ▶ Communists believe that a violent social revolution is necessary in which workers overthrow the rich and abolish private property. Everything would then be owned in common and the government would eventually disappear.
- ▶ In practice, actual communist revolutions, like the Russian Revolution in 1917, resulted in brutal dictatorships.
- ▶ In these states, the Communist Party took over everything and suppressed opposition. A party leader, like Joseph Stalin in Russia and Mao Zedong in China, became dictator. The central government took control of all human and natural resources and owned all property.
- ▶ The Communist Soviet Union collapsed in 1991, but communism still survives in some countries.

What Do You Know?

SS.7.C.3.1

1. What do an absolute monarchy, dictatorship, and oligarchy have in common?
 - A. The head of state is chosen by Parliament.
 - B. Their citizens decide public issues for themselves.
 - C. Political power is exercised by representatives elected by the people.
 - D. A single individual or small group exercises control over government.

SS.7.C.3.2

2. Which type of government selects its executive leadership from the majority party in the legislature?
 - A. unitary
 - B. federal
 - C. confederal
 - D. parliamentary

Government Obligations and Services

Federal Government

The federal government handles national issues, such as national defense, foreign policy, and the American economy. Federal courts protect the rights of citizens guaranteed by the Constitution and the Bill of Rights, and interpret federal law.

State Government

Florida's state government regulates state businesses and insurance, licenses professionals (such as teachers, lawyers and doctors), builds and maintains state highways, issues and enforces rules for traffic safety, licenses drivers, regulates state utilities, and creates building construction codes. It also operates the state's public education system and regulates conservation, pollution, and public health throughout the state.

Local Government

Florida's local governments address the daily local needs of their people, such as operating their public school districts, managing local police and fire departments, and overseeing local sewage and garbage disposal.

What Do You Know?

SS.7.C.3.4

1. Which is an example of a reserved power?
 - A. the power to collect taxes
 - B. the power to establish post offices
 - C. the power to educate young citizens
 - D. the power to declare war on foreign enemies

SS.7.C.3.4

2. Which is an example of a concurrent power?
 - A. the power to borrow money
 - B. the power to regulate interstate commerce
 - C. the power to set admission requirements for state universities
 - D. the power to make naturalization rules for immigrants

SS.7.C.3.14

3. How does the process for amending the Constitution of Florida compare to that of amending the U.S. Constitution?
 - A. It is more difficult to amend the Florida Constitution than the U.S. Constitution.
 - B. It is more difficult to amend the U.S. Constitution than the Florida Constitution.
 - C. The Florida Constitution and the U.S. Constitution follow the same procedures for amendment.
 - D. The U.S. Constitution requires two steps for amendment, while the Florida Constitution is amended in a single step.

SS.7.C.3.14

4. Which obligation is owed by state governments to their citizens?
- A. making local zoning ordinances
 - B. defending the nation against foreign attack
 - C. negotiating trade agreements with foreign nations
 - D. regulating the activities of professionals such as doctors and lawyers

SS.7.C.3.14

5. Which is an obligation owed by local governments to their citizens?
- A. the operation of public school districts
 - B. the establishment of statewide curricular requirements
 - C. the provision of professional certification requirements for teachers
 - D. the setting of national economic policies to promote full employment

SS.7.C.3.14

6. The table below identifies services provided by different levels of government.

Level of Government	Federal	State	Local
Service Provided	Provides for the national defense	?	Operates public school districts

Which completes the diagram?

- A. Enforces local building codes
- B. Operates police and fire departments
- C. Conducts diplomacy with foreign leaders
- D. Establishes high school graduation requirements

SS.7.C.3.14

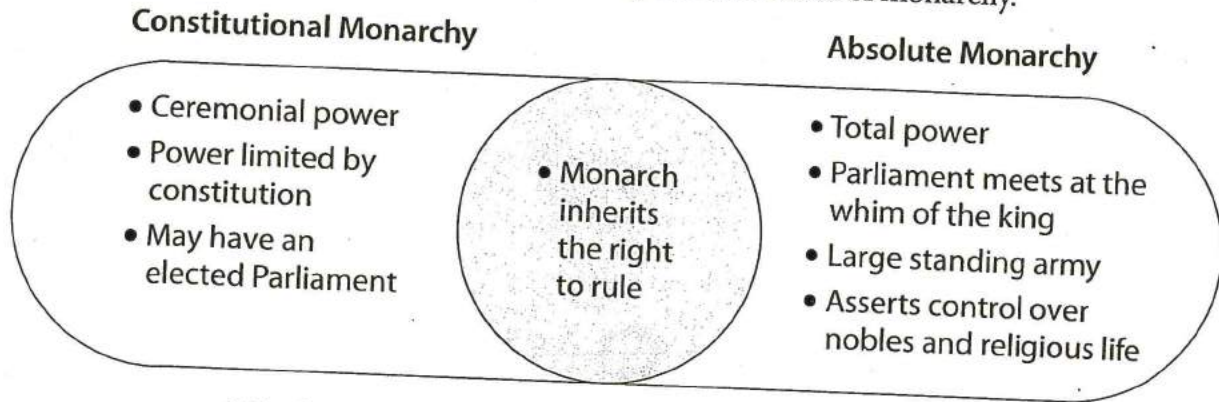
Use the chart below to answer Questions 7 and 8.

Levels of Government		
I U.S. Government	II Government of the State of Florida	III County and Municipal Governments

7. Which governments provide garbage collection services to homes and business?
- A. I only
 - B. I and II
 - C. III only
 - D. I, II, and III

SS.7.C.3.1

4. The Venn diagram below compares two forms of monarchy.



Which might be considered an advantage of the type of monarchy shown on the right?

- A. It can negotiate peace treaties.
- B. It can act more quickly in a crisis.
- C. It provides stronger guarantees of individual rights.
- D. Its representatives can meet with foreign dignitaries.

SS.7.C.3.2

5. Which statement is true of a federal but not of a unitary system of government?
- A. Its local governments are extensions of the central government.
 - B. Its local governments cannot be abolished by the central government.
 - C. Its central government usually appoints the leaders of local governments.
 - D. Its central government delegates responsibilities to local governments to carry out.

SS.7.C.3.2

6. The table below compares the Parliamentary and Presidential forms of government.

	Parliamentary	Presidential
Selection process	?	Elected by voters
Separation of powers	No separation of powers	A separation of powers among different branches
Term and removal	Removed by a vote of "no confidence"	Fixed term

Which statement completes the table?

- A. The Prime Minister is chosen by the monarch.
- B. The Prime Minister is chosen by the President.
- C. The Prime Minister is directly elected by voters.
- D. The Prime Minister is chosen by a majority of the Members of Parliament.