

## VOCABULARY

**inferior courts** courts with less authority than the Supreme Court

**appellate** having power to review court decisions

## A CLOSER LOOK

### ORGANIZING FEDERAL COURTS

The Judiciary Act of 1789, passed by the First Congress, included establishing a Supreme Court with a chief justice and five associate justices and other lower federal courts.

**14. How many Supreme Court justices are there today?**

## A CLOSER LOOK

### JUDICIAL POWER

Judicial power gives the Supreme Court and other federal courts the authority to hear certain kinds of cases. These courts have the power to rule in cases involving the Constitution, national laws, treaties, and states' conflicts.

**15. What federal cases have you seen reported on TV?**

## Article 3. The Judiciary

**MAIN IDEA** The judicial branch interprets the laws. This branch includes the Supreme Court, the highest court in the nation, and other federal courts.

**WHY IT MATTERS NOW** Supreme Court rulings can shape government policies on hotly debated issues.

**Section 1. Federal Courts and Judges** The judicial power of the United States shall be vested in one Supreme Court, and in such **inferior courts** as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

### Section 2. The Courts' Authority

**1. General Authority** The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers and consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party;—to controversies between two or more states;—~~between a state and citizens of another state;~~—between citizens of different states;—between citizens of the same state claiming lands under grants of different states, and ~~between a state, or the citizens thereof, and foreign states, citizens or subjects.~~

## A CLOSER LOOK Judicial Review

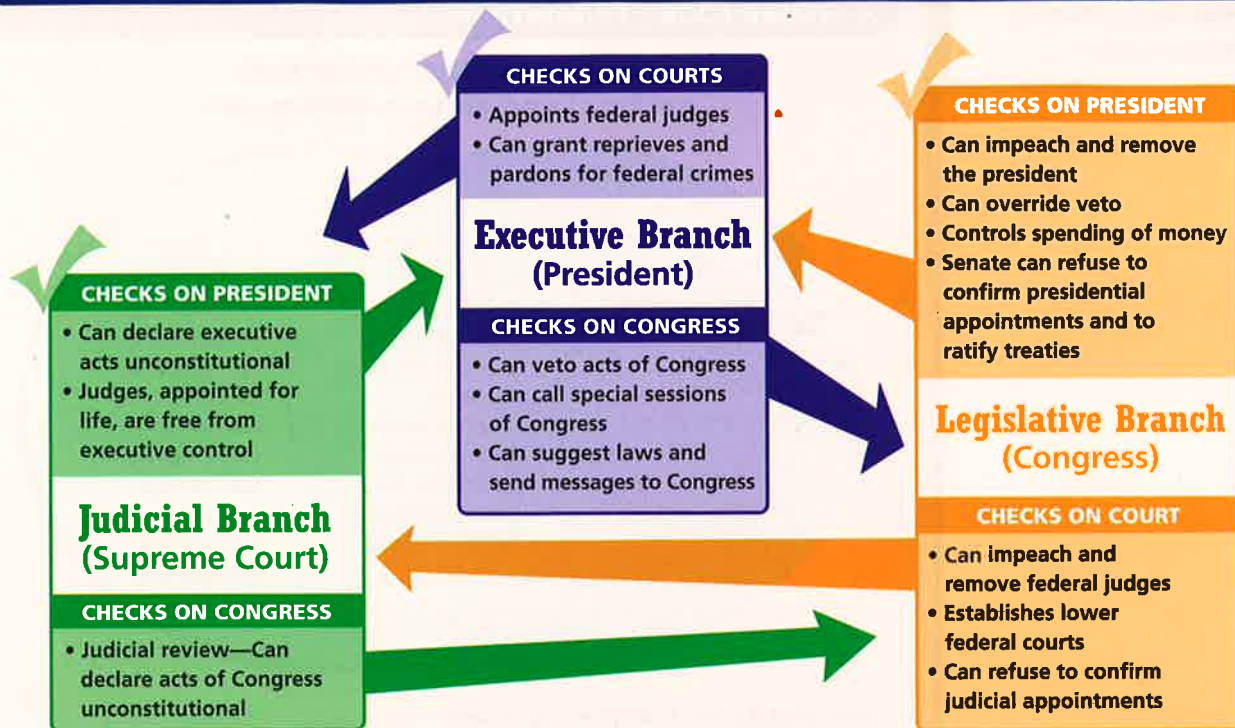


Judicial review allows the Supreme Court and other federal courts to play a key role in lawmaking. The judges examine a law or government activity. They then decide whether it violates the Constitution. The Supreme Court established this important right in the case of *Marbury v. Madison* (1803). (See Chapter 10.)



**2. Supreme Court** In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have **appellate** jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

## A CLOSER LOOK Checks and Balances



### SKILLBUILDER Interpreting Charts

1. Why is judicial review an important action of the Supreme Court?
2. Which check do you think is most powerful? Why?

**3. Trial by Jury** The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

### Section 3. Treason

**1. Definition** Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

**2. Punishment** The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attained.

### Article 3 Assessment

#### 1. Main Ideas

- a. What is the main purpose of the judicial branch?
- b. What is judicial review?
- c. What are two kinds of cases that can begin in the Supreme Court?

#### 2. Critical Thinking

**Drawing Conclusions** Why might the Supreme Court feel less political pressure than Congress in making judgments about the Constitution?

#### THINK ABOUT

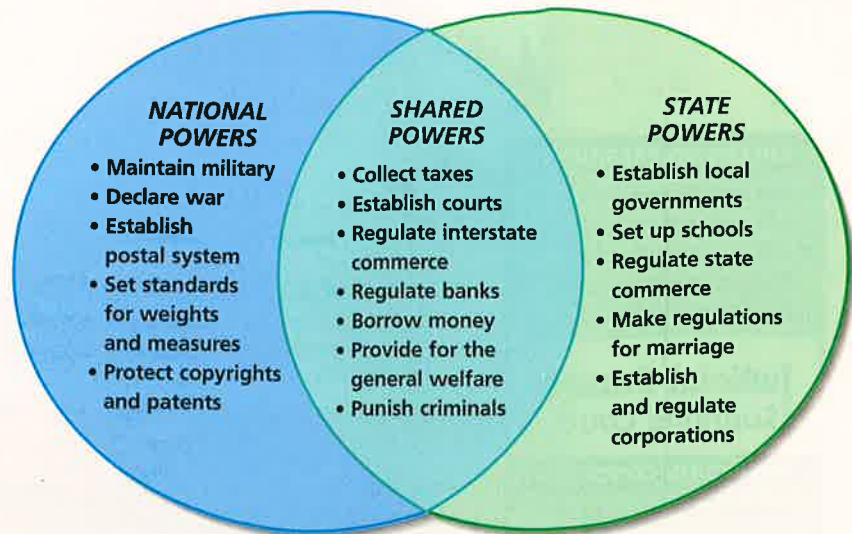
- the appointment of Supreme Court justices
- Congress members' obligation to voters

## VOCABULARY

**immunities** legal protections  
**suffrage** right to vote

## A CLOSER LOOK Federalism

Americans live under both national and state governments.



### SKILLBUILDER Interpreting Charts

What do you think is the purpose of dividing the powers between national and state governments?

## Article 4. Relations Among States

**MAIN IDEA** States must honor one another's laws, records, and court rulings.

**WHY IT MATTERS NOW** Article 4 promotes cooperation, equality, and fair treatment of citizens from all the states.

**Section 1. State Acts and Records** Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

### Section 2. Rights of Citizens

**1. Citizenship** The citizens of each state shall be entitled to all privileges and **immunities** of citizens in the several states.

**2. Extradition** A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

**3. Fugitive Slaves** ~~No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.~~

## A CLOSER LOOK

### EXTRADITION

Persons charged with serious crimes cannot escape punishment by fleeing to another state. They must be returned to the first state and stand trial there.

**16. Why do you think the Framers included the power of extradition?**

## Section 3. New States

**1. Admission** New states may be admitted by the Congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress.

**2. Congressional Authority** The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

## Section 4. Guarantees to the States

The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

## Article 5. Amending the Constitution

**MAIN IDEA** The Constitution can be amended, or formally changed.

**WHY IT MATTERS NOW** The amendment process allows the Constitution to adapt to modern times.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

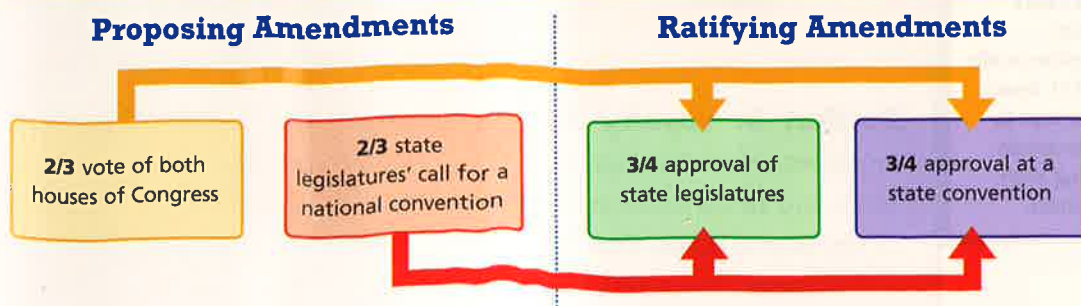
### A CLOSER LOOK

#### ADMISSION TO STATEHOOD

In 1998, Puerto Ricans voted against their island becoming the 51st state. A lawyer in Puerto Rico summed up a main reason: "Puerto Ricans want to have ties to the U. S., but they want to protect their language and culture." Also, as a U.S. commonwealth, Puerto Rico makes its own laws and handles its own finances.

**17. Do you think Puerto Rico should become a state? Why or why not?**

### A CLOSER LOOK Process for Amending the Constitution



#### SKILLBUILDER Interpreting Charts

Why do you think more votes are needed to ratify an amendment than to propose one?

## VOCABULARY

**ratification** official approval  
**unanimous consent** complete agreement

## A CLOSER LOOK

### PAYING DEBTS

The U.S. government agreed to pay all debts held under the Articles of Confederation. For example, the United States still owed money from the costs of the Revolutionary War.

**18. What problems might arise in a country that has a huge national debt?**

## Article 6. Supremacy of the National Government

**MAIN IDEA** The Constitution, national laws, and treaties are the supreme, or highest, law of the land. All government officials must promise to support the Constitution.

**WHY IT MATTERS NOW** The authority of federal laws over state laws helps keep the nation unified.

**Section 1. Valid Debts** All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

**Section 2. Supreme Law** This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.



## A CLOSER LOOK

In 1957, the "supreme law of the land" was put to a test. The governor of Arkansas defied a Supreme Court order. The Court ruled that African-American students could go to all-white public schools. President Dwight D. Eisenhower then sent federal troops to protect the first African-American students to enroll in Central High School in Little Rock, Arkansas.

**Section 3. Loyalty to Constitution** The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.



### A CLOSER LOOK

This political cartoon shows that New York was the 11th state to ratify the Constitution. Each of the 13 states is represented by a pillar.

## Article 7. Ratification

**MAIN IDEA** Nine of the 13 states had to ratify, or approve, the Constitution before it could go into effect.

**WHY IT MATTERS NOW** The approval of the Constitution launched a new plan of government still followed today.

The **ratification** of the conventions of nine states shall be sufficient for the establishment of this Constitution between the states so ratifying the same. Done in convention by the **unanimous consent** of the states present, the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty-seven and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

*George Washington—President and deputy from Virginia*

*New Hampshire: John Langdon, Nicholas Gilman*

*Massachusetts: Nathaniel Gorham, Rufus King*

*Connecticut: William Samuel Johnson, Roger Sherman*

*New York: Alexander Hamilton*

*New Jersey: William Livingston, David Brearley, William Paterson, Jonathan Dayton*

*Pennsylvania: Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas FitzSimons, Jared Ingersoll, James Wilson, Gouverneur Morris*

*Delaware: George Read, Gunning Bedford, Jr., John Dickinson, Richard Bassett, Jacob Broom*

*Maryland: James McHenry, Dan of St. Thomas Jenifer, Daniel Carroll*

*Virginia: John Blair, James Madison, Jr.*

*North Carolina: William Blount, Richard Dobbs Spaight, Hugh Williamson*

*South Carolina: John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler*

*Georgia: William Few, Abraham Baldwin*

### A CLOSER LOOK

#### THE SIGNERS

The 39 men who signed the Constitution were wealthy and well-educated. About half of them were trained in law. Others were doctors, merchants, bankers, and slaveholding planters. Missing from the list of signatures are the names of African Americans, Native Americans, and women. These groups reflected the varied population of the United States in the 1780s.

**19. How do you think the absence of these groups affected the decisions made in creating the Constitution?**

## Articles 4–7 Assessment

### 1. Main Ideas

- What rights does Article 4 guarantee to citizens if they go to other states in the nation?
- What are two ways of proposing an amendment to the Constitution?
- What makes up “the supreme law of the land”?

### 2. Critical Thinking

**Forming and Supporting Opinions** Should the Framers of the Constitution have allowed the people to vote directly for ratification of the Constitution? Why or why not?

#### THINK ABOUT

- the idea that the government belongs to the people
- the general public’s ability to make sound political decisions