

Name: _____ Period: _____ Date: _____

Judicial Branch Reading Comprehension

Directions: Read the following and answer the following questions

What is the Judicial Branch?

This government organization is comprised of a system of courts and judges. The purpose of this system is to interpret the laws that the legislative branch creates, and that the executive branch enforces. Heading up this branch is the U.S. Supreme Court, which is the most powerful Court in the country. It is comprised of nine justices, and it has the final say when it comes to deciding in a civil or criminal case.

Checks and Balances

Checks and balances is the system by which the government “keeps itself in check.” In other words, checks and balances keeps one branch from becoming too powerful by allowing the other branches of government to either approve or reject the decisions each branch makes. If not for checks and balances, for example, the judicial branch would need to apply outlandish laws to cases that one of the other branches should have modified or rejected (“vetoed”).

Judicial Process

The judicial process is a system of procedures used by an individual with authority, like a judge, to decide disputes between parties. The judge relies on previously established case law when applying the judicial process to a case. Sometimes, a judge may also decide on a case that affects the judicial process going forward by either creating a rule that had never existed before, or by modifying a rule that needed updating. This is the concept of “setting precedent.”

Role of the Supreme Court

The role of the Supreme Court is a pretty important one. Namely, the U.S. Supreme Court is the final judge when deciding cases involving Congress, as well as those concerning questions of constitutional rights.

The role of the Supreme Court is not an all-powerful one, though, as it too must follow the rules concerning checks and balances. For one thing, the President (executive branch) appoints justices to the Supreme Court (judicial branch). However, the President’s recommendation for this position must be approved by Congress. Also, the Supreme Court also has the power to tell the President when he is not acting in line with the Constitution.

Some refer to the role of the Supreme Court as the referee in a ballgame, with the President, Congress, the police force, and government officials making up the “teams.” Some “players” can make laws, others can enforce them, but all must exercise their powers within the powers the Constitution affords them.

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Judicial Branch Questions

Short Answer

1. What is the judicial process?

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2. What is setting precedent?

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3. Describe some checks and balances involving the Supreme Court.

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Long Answer

4. Describe the role of the Supreme Court and relate it to an example about a ballgame.

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Constructed Response

5. Why do you think the US government has a judicial branch? Should we remove it or keep it and why? Give details from the reading section to help support your answer.

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