

Primary Source

U.S. Constitution, Article III

- ☐ I can identify the part of the Constitution that outlines the judicial branch.
- ☐ I can analyze constitutional text to outline the powers and responsibilities of the judicial branch.

Essential Vocabulary

judicial power	The authority given to courts and judges to interpret and apply the law.
inferior courts	Lower federal courts created by Congress.
jurisdiction	The authority of a court to hear and decide cases.
treason	The only crime defined in the Constitution, involving levying war against the U.S. or aiding its enemies.

Building Context

Having been established by England, the American colonies inherited the English legal tradition and proceeded to establish local courts to resolve disputes, maintain justice, protect the right to trial by jury, and preserve the rule of law. However, their first attempt at creating a national government, the Articles of Confederation, lacked a national judiciary and therefore did not uphold the principles of separation of powers or checks and balances. The Framers of the Constitution created an independent national judiciary and outlined its powers and jurisdiction. The Framers also gave Congress powers to create the federal court system and to regulate the courts, such as by establishing the number of justices on the Supreme Court. The courts had the judicial power to interpret the law and apply it to cases. As Alexander Hamilton wrote in Federalist #78, the judiciary “may truly be said to have neither FORCE nor WILL, but merely judgment.”

U.S. Constitution, Article III Source:

<https://constitution.congress.gov/constitution/article-2/>

Source	Notes
Article 3, Section 1 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 behaviour [behavior], and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in Office.	

Source	Notes
<p>Article III, Section 2</p> <p>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.</p>	
<p>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.</p>	
<p>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.</p>	
<p>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.</p>	
<p>Article III, Section 3</p> <p>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.</p> <p>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 attainted.</p>	

Analysis Questions

1. Why is it important to have an independent judicial branch of government at the federal level?
2. Why does Congress have power over the federal court system?
3. What areas of jurisdiction does the Supreme Court have, and why?
4. What are some basic rights protected by Article III?