Who Checks the Rule?

A city ticket becomes a test of fair hearings and constitutional limits.

USG.3.7 "Analyze the functions of the judicial branch of the United States and Indiana governments with emphasis on the principles of due process, judicial review, and an independent judiciary."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline two due process steps, circle the power courts use when a rule violates a higher law, and write F and I beside one detail each about federal and Indiana judges so you can compare how the systems support fair decisions.

A Ticket on the Sidewalk

1. On a Saturday, Maya hands out flyers on a public sidewalk near an Indiana park. A city officer gives her a ticket under an ordinance that bans all handouts there. Maya argues that the rule limits free speech, while the city says it prevents crowding. A court cannot decide the case simply by choosing the side it likes. Due process requires notice of the charge and a fair chance to respond before the city can impose a penalty. At a hearing, Maya and the city can present evidence and arguments to a neutral judge. The judge must apply the law to the facts.

2. If Maya challenges the ticket in an Indiana trial court, the judge can examine whether the ordinance conflicts with the Indiana Constitution or the U.S. Constitution. This power, called judicial review, allows courts to refuse to enforce a rule that violates a higher law. The city can explain why it thinks the ordinance is lawful, and Maya can challenge that claim. An appeal can ask a higher Indiana court to review legal errors, not simply to hold the same hearing again. In a case raising a federal question, the U.S. Supreme Court may sometimes review a final state court decision, but review is not automatic.

3. Independence matters when a judge must rule against a popular city policy or a powerful official. Federal judges appointed under Article III have tenure during good behavior, often called life tenure, and their pay cannot be reduced while they serve. Those protections help shield their decisions from political pressure. Indiana judges do not have the same lifetime tenure: Indiana appellate judges are appointed and later face retention votes, while trial judge selection differs by county. Both court systems expect judges to decide cases by law and evidence, not by threats or promises. Judicial review loses its force if judges fear punishment for an unpopular ruling.

2 ANSWER WITH EVIDENCE

Use the passage

1. How would the hearing procedures keep Maya from being fined based only on the officer's claim?

2. If Maya shows that the ordinance conflicts with the Indiana Constitution, what could the trial court do? Explain the court's power.

3. Why would an appeal to a higher Indiana court not simply repeat Maya's hearing?

4. Compare one feature of federal judges' independence with one feature of Indiana judges' independence. Why does independence matter when a court reviews a city rule?

3 YOUR TURN

Your own words

Imagine an Indiana city fines a street performer under a rule that bans criticism of the mayor in public plazas. In five or six sentences, explain how due process, judicial review, and judicial independence could shape a court challenge, comparing a federal and an Indiana feature of judges' independence.

ANSWER KEY

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HIGH SCHOOL · USG.3.7

PART 1 · READ AND MARK

Underline two due process steps, circle the power courts use when a rule violates a higher law, and write F and I beside one detail each about federal and Indiana judges so you can compare how the systems support fair decisions. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How would the hearing procedures keep Maya from being fined based only on the officer's claim?	**Maya must receive notice and a fair chance to respond. She can present evidence and arguments to a neutral judge before the city imposes a penalty.**
2	If Maya shows that the ordinance conflicts with the Indiana Constitution, what could the trial court do? Explain the court's power.	**Through judicial review, the court could refuse to enforce the ordinance because the Indiana Constitution is higher law.**
3	Why would an appeal to a higher Indiana court not simply repeat Maya's hearing?	**The appeal can ask the higher court to review legal errors rather than hold the same hearing again.**
4	Compare one feature of federal judges' independence with one feature of Indiana judges' independence. Why does independence matter when a court reviews a city rule?	**Article III federal judges have tenure during good behavior and protected pay. Indiana appellate judges are appointed but face retention votes. Judges need freedom from political pressure to rule against a city rule when the law requires it.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

The performer should receive notice of the fine and a fair chance to contest it before a neutral judge. An Indiana trial court could hear the challenge and compare the rule with the Indiana and U.S. Constitutions. Through judicial review, the court could refuse to enforce the rule if it violates either constitution. Federal Article III judges have tenure during good behavior and protection against pay cuts. Indiana appellate judges are appointed but later face retention votes instead of holding lifetime positions. Judges in either system must be able to reject a city rule without fearing political retaliation.

Accept other accurate due process protections or independence details stated in the passage. A constitutional challenge does not guarantee that a court will rule for the person contesting the rule.