Three Courts, One Question

Follow a constitutional challenge through the federal courts.

USG.C.4.4.C "Examine the role of district courts, the courts of appeals, and the Supreme Court in regards to the judicial review process."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline what each court does with Maya's constitutional claim. Number the courts 1, 2, and 3 in the order they consider her case.

A Sign on the Courthouse Steps

1. At a federal courthouse, Maya holds a quiet sign reading, "Let the public see court records." A new federal law bans all signs on the courthouse steps, and an officer gives her a citation. Maya sues the federal officer, arguing that the ban violates the First Amendment. She asks a federal district court to block the law's enforcement against her. This is a real dispute, not a request for advice about a law that might affect someone someday. The district court hears the case first, considers evidence, and decides whether applying the law to Maya violates the Constitution.

2. The district judge rules for Maya and orders the officer not to enforce the ban against her. The federal government appeals. A federal court of appeals does not start a new trial or hear Maya's witnesses again. Instead, a panel examines the district court record and reviews its legal reasoning, including its interpretation of the First Amendment. The panel could uphold the ruling or reverse it if the judge applied the Constitution incorrectly. Suppose the panel reverses, deciding the ban is constitutional in Maya's case. The appeals court has still performed judicial review: it judged a law against the Constitution.

3. Maya asks the U.S. Supreme Court to hear her case. Usually, the Court chooses which appeals to take; it does not automatically hear every request. If it declines, the appeals court's ruling remains in place, but the refusal does not mean the justices approve that ruling. If the Court accepts the case, it reviews the constitutional question and can affirm or reverse the appeals court. Its decision sets a rule that lower federal courts must follow. At all three levels, judges can examine whether government action conflicts with the Constitution, but each court enters the process at a different stage.

2 ANSWER WITH EVIDENCE

Use the passage

1. Why does Maya bring her claim to the district court, and what does that court decide?

2. How does the court of appeals examine the constitutional question differently from the district court?

3. The court of appeals reverses the district judge. Why is its decision still an example of judicial review?

4. What can the Supreme Court do if it accepts Maya's case? What happens if it declines?

3 YOUR TURN

Your own words

In five or six sentences, invent a federal rule and a person affected by it who challenges it as unconstitutional. Trace the case through district court, a court of appeals, and a possible Supreme Court review, then explain what a refusal to hear the case would mean.

ANSWER KEY

Three Courts, One Question

HIGH SCHOOL · USG.C.4.4.C

PART 1 · READ AND MARK

Underline what each court does with Maya's constitutional claim. Number the courts 1, 2, and 3 in the order they consider her case. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	Why does Maya bring her claim to the district court, and what does that court decide?	**Maya challenges a citation she received under the sign ban. The district court hears her case first and decides whether applying the law to her violates the Constitution.**
2	How does the court of appeals examine the constitutional question differently from the district court?	**It reviews the district court record and legal reasoning rather than holding a new trial or hearing the witnesses again.**
3	The court of appeals reverses the district judge. Why is its decision still an example of judicial review?	**It compares the sign ban with the First Amendment, even though it reaches a different constitutional conclusion.**
4	What can the Supreme Court do if it accepts Maya's case? What happens if it declines?	**If it accepts the case, it can affirm or reverse the appeals court after reviewing the constitutional question. If it declines, the appeals court ruling remains in place, but the refusal does not show that the justices agree with it.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

An editor is charged under a fictional federal law that bans newspaper criticism of the president. In federal district court, the editor argues that the charge violates the First Amendment, and the judge dismisses it. The government appeals, asking a court of appeals to review the district judge's legal reasoning rather than hear new witnesses. The appeals court reverses, finding the law constitutional. The editor asks the Supreme Court to review that ruling, and the justices could affirm or reverse it. If they decline, the appeals court's decision stands, but their refusal does not signal agreement.

Accept different constitutional claims if the invented dispute involves a person affected by a government rule. Look for distinct roles for all three courts and an accurate explanation that declining review leaves the appeals ruling in place without signaling agreement.