Standard 3: Structure and Functions of Government

**SS.5.C.3.6**

Examine the foundations of the United States legal system by recognizing the role of the courts in interpreting law and settling conflicts.

Why does the U.S. have a court system?

*Teacher Note: These lessons should be taught in conjunction with American history benchmarks to add historical perspective to these important civics understandings.*
Article III of the *U.S. Constitution* outlines the court system in the United States, which is divided into three sections. The Article itself has less than 375 words (compared with Article I, outlining the legislative branch, which contains 2265 words).

**The Design of the U.S. Court System in the *U.S. Constitution***

The first section of Article III provides information about the organization of the court system, which is divided into two parts, supreme and inferior. This means that only the U.S. Supreme Court is established by the *U.S. Constitution*. Otherwise, it is up to the U.S. Congress to create, mandate (such as to the states) and support all other courts.

The first section also makes an indirect reference to the *Declaration of Independence*. In that document, the colonists complained that King George III had denied the court system independence in its decision making as follows:

- He has obstructed the Administration of Justice by refusing his Assent to Laws for establishing Judiciary Powers.
- He has made Judges dependent on his Will alone for the tenure of their offices, and the amount and payment of their salaries.

These two statements suggest that King George III had deprived the courts the right to make independent decisions. Judges whose views contradicted the king’s views were at risk of losing their jobs or having their salaries reduced. The Founders’ response was to create a judiciary branch that enjoyed independence in that judges held their positions for life (unless Congress decided that they should be removed for failing to uphold “good behavior”, a principle defined by Congress only) and their salaries were never reduced as long as they held office.

**The Power of Judicial Review and Interpreting the *U.S. Constitution***

The power of the courts changed considerably in the early 19th century when a series of events led to the U.S. Supreme Court taking on the role of interpreter of the *U.S. Constitution*. In *Marbury v. Madison* 5 U.S. 137 (1803) (Summary available at: http://www.oyez.org/cases/1792-1850/1803/1803_0/), the U.S. Supreme Court decided that it had the sole right to decide whether an act of a legislature violated the *U.S. Constitution*. The Court decided that it had the power to make law through “case law” where the Court interprets what the *U.S. Constitution* means and whether, based on that meaning, a law is nullified because it is incongruent with the *U.S. Constitution*. This process of making law through cases has broadened the role of the U.S. Supreme Court because it gives the Court powers beyond those stated in the *U.S. Constitution*. Since *Marbury v. Madison*, the Court has also undertaken statutory review, where the Court

---

1 This content also covers American History Benchmark SS.5.A.5.10: Examine the significance of the Constitution including its key political concepts, origins of those concepts, and their role in American democracy.
decides what a law or statute means. In these instances, the Court is not deciding whether or not a law is consistent with the *U.S. Constitution*. Rather, the Court is deciding what a law means and thus, how it should be implemented. Key examples of statutory interpretation are found in cases that emerged after passage of the 1964 Civil Rights Act, when Congress outlawed sex discrimination in employment but failed to define it.

Despite *Marbury v. Madison* and the emerging powers of the U.S. Supreme Court through constitutional and statutory interpretation, there has been no change to Article III through a constitutional amendment. This means that the power of the Court has considerably grown even though there have been no changes made that specify the number of judges or courts, or specify length of service beyond “life with good behavior”.
## Common Core State Standards
### Grade 5 English Language Arts, Reading: Literature

**Key Ideas and Details**

RL.5.1. Quote accurately from a text when explaining what the text says explicitly and when drawing inferences from the text.

RL.5.2. Determine a theme of a story, drama, or poem from details in the text, including how characters in a story or drama respond to challenges or how the speaker in a poem reflects upon a topic; summarize the text.

RL.5.3. Compare and contrast two or more characters, settings, or events in a story or drama, drawing on specific details in the text (e.g., how characters interact).

**Craft and Structure**

RL.5.4. Determine the meaning of words and phrases as they are used in a text, including figurative language such as metaphors and similes.

RL.5.5. Explain how a series of chapters, scenes, or stanzas fits together to provide the overall structure of a particular story, drama, or poem.

RL.5.6. Describe how a narrator’s or speaker’s point of view influences how events are described.

**Integration of Knowledge and Ideas**

RL.5.7. Analyze how visual and multimedia elements contribute to the meaning, tone, or beauty of a text (e.g., graphic novel, multimedia presentation of fiction, folktale, myth, poem).

RL.5.8. (Not applicable to literature)

RL.5.9. Compare and contrast stories in the same genre (e.g., mysteries and adventure stories) on their approaches to similar themes and topics.

**Range of Reading and Complexity of Text**

RL.5.10. By the end of the year, read and comprehend literature, including stories, dramas, and poetry, at the high end of the grades 4–5 text complexity band independently and proficiently.
Common Core State Standards
Grade 5 English Language Arts, Reading: Informational Text

Key Ideas and Details

RI.5.1. Quote accurately from a text when explaining what the text says explicitly and when drawing inferences from the text.

RI.5.2. Determine two or more main ideas of a text and explain how they are supported by key details; summarize the text.

RI.5.3. Explain the relationships or interactions between two or more individuals, events, ideas, or concepts in a historical, scientific, or technical text based on specific information in the text.

Craft and Structure

RI.5.4. Determine the meaning of general academic and domain-specific words and phrases in a text relevant to a grade 5 topic or subject area.

RI.5.5. Compare and contrast the overall structure (e.g., chronology, comparison, cause/effect, problem/solution) of events, ideas, concepts, or information in two or more texts.

RI.5.6. Analyze multiple accounts of the same event or topic, noting important similarities and differences in the point of view they represent.

Integration of Knowledge and Ideas

RI.5.7. Draw on information from multiple print or digital sources, demonstrating the ability to locate an answer to a question quickly or to solve a problem efficiently.

RI.5.8. Explain how an author uses reasons and evidence to support particular points in a text, identifying which reasons and evidence support which point(s).

RI.5.9. Integrate information from several texts on the same topic in order to write or speak about the subject knowledgeably.

Range of Reading and Level of Text Complexity

RI.5.10. By the end of the year, read and comprehend informational texts, including history/social studies, science, and technical texts, at the high end of the grades 4–5 text complexity band independently and proficiently.
Vocabulary Acquisition and Use

L.5.4. Determine or clarify the meaning of unknown and multiple-meaning words and phrases based on grade 5 reading and content, choosing flexibly from a range of strategies.

- Use context (e.g., cause/effect relationships and comparisons in text) as a clue to the meaning of a word or phrase.
- Use common, grade-appropriate Greek and Latin affixes and roots as clues to the meaning of a word (e.g., *photograph, photosynthesis*).
- Consult reference materials (e.g., dictionaries, glossaries, thesauruses), both print and digital, to find the pronunciation and determine or clarify the precise meaning of key words and phrases.

L.5.5. Demonstrate understanding of figurative language, word relationships, and nuances in word meanings.

- Interpret figurative language, including similes and metaphors, in context.
- Recognize and explain the meaning of common idioms, adages, and proverbs.
- Use the relationship between particular words (e.g., synonyms, antonyms, homographs) to better understand each of the words.

L.5.6. Acquire and use accurately grade-appropriate general academic and domain-specific words and phrases, including those that signal contrast, addition, and other logical relationships (e.g., *however, although, nevertheless, similarly, moreover, in addition*).
Common Core State Standards
Grade 5 English Language Arts, Reading: Writing

Text Types and Purposes

W.5.1. Write opinion pieces on topics or texts, supporting a point of view with reasons and information.

- Introduce a topic or text clearly, state an opinion, and create an organizational structure in which ideas are logically grouped to support the writer’s purpose.
- Provide logically ordered reasons that are supported by facts and details.
- Link opinion and reasons using words, phrases, and clauses (e.g., consequently, specifically).
- Provide a concluding statement or section related to the opinion presented.

W.5.2. Write informative/explanatory texts to examine a topic and convey ideas and information clearly.

- Introduce a topic clearly, provide a general observation and focus, and group related information logically; include formatting (e.g., headings), illustrations, and multimedia when useful to aiding comprehension.
- Develop the topic with facts, definitions, concrete details, quotations, or other information and examples related to the topic.
- Link ideas within and across categories of information using words, phrases, and clauses (e.g., in contrast, especially).
- Use precise language and domain-specific vocabulary to inform about or explain the topic.
- Provide a concluding statement or section related to the information or explanation presented.

W.5.3. Write narratives to develop real or imagined experiences or events using effective technique, descriptive details, and clear event sequences.

- Orient the reader by establishing a situation and introducing a narrator and/or characters; organize an event sequence that unfolds naturally.
- Use narrative techniques, such as dialogue, description, and pacing, to develop experiences and events or show the responses of characters to situations.
- Use a variety of transitional words, phrases, and clauses to manage the sequence of events.
- Use concrete words and phrases and sensory details to convey experiences and events precisely.
- Provide a conclusion that follows from the narrated experiences or events.

Production and Distribution of Writing

W.5.4. Produce clear and coherent writing in which the development and organization are appropriate to task, purpose, and audience. (Grade-specific expectations for writing types are defined in standards 1–3 above.)

W.5.5. With guidance and support from peers and adults, develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach.
W.5.6. With some guidance and support from adults, use technology, including the Internet, to produce and publish writing as well as to interact and collaborate with others; demonstrate sufficient command of keyboarding skills to type a minimum of two pages in a single sitting.

**Research to Build and Present Knowledge**

W.5.7. Conduct short research projects that use several sources to build knowledge through investigation of different aspects of a topic.

W.5.8. Recall relevant information from experiences or gather relevant information from print and digital sources; summarize or paraphrase information in notes and finished work, and provide a list of sources.

W.5.9. Draw evidence from literary or informational texts to support analysis, reflection, and research.

- Apply *grade 5 Reading standards* to literature (e.g., “Compare and contrast two or more characters, settings, or events in a story or a drama, drawing on specific details in the text [e.g., how characters interact]”).

- Apply *grade 5 Reading standards* to informational texts (e.g., “Explain how an author uses reasons and evidence to support particular points in a text, identifying which reasons and evidence support which point[s]”).

**Range of Writing**

W.5.10. Write routinely over extended time frames (time for research, reflection, and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.
Civics Content Vocabulary

Teacher Note: Preteach vocabulary words and definitions. As a vocabulary extension following the lesson, have students complete the chart for each word providing examples and non-examples (if applicable) and a gesture/visual/symbol for each word.

<table>
<thead>
<tr>
<th>Word</th>
<th>Definition</th>
<th>Example</th>
<th>Non-Example</th>
<th>Gesture/Visual/Symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td>legal system</td>
<td>a system for interpreting laws</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Instructions for conducting a Read Aloud

Preparing for a Read Aloud:
1. Select a read aloud text that will provide a springboard for teaching the civics benchmark (See suggested books within this module, but not limited to).

2. Along with the content civics vocabulary for this module, identify additional vocabulary terms within the selection necessary for text comprehension and understanding the civics benchmark.

3. Generate questions of varying complexity related to the text that support deeper understanding of the civics benchmark.

4. Plan opportunities for authentic student engagement with the text during the Read Aloud (text discussion, turn & talk, think-pair-share).

Conducting a Read Aloud:
1. Introduce the book.

2. Briefly introduce the predetermined vocabulary words.

3. During the Read Aloud, conduct think alouds so students are provided a model of thinking that is applied while reading. Use the generated questions to ask students about the text to allow opportunities for authentic student engagement (text discussion, turn & talk, think-pair-share) and to clarify understanding.

4. After the Read Aloud, provide opportunities for students to discuss and write about civics concepts learned.
**Suggested Books**

**Fairy Tales on Trial** by Janice Silverman

Students discover a unique way to determine the fine line between doing wrong and crime. They study character education by doing - using fairy tales and simulating investigation and trials. The activities challenge students as they use all language arts skills: critical reading, analytical thinking and writing, speaking and drama. Use with the entire class, choosing an appropriate case by its complexity and appropriate level of challenge. The class creates all elements of a case and presents the case to another class, who becomes the jury. All roles are clearly described. Enrichment educators can use the cases with small groups of gifted and talented children. Parents will enjoy helping their children practice their roles, gather props, and create costumes. The confidence their children gain in their reading, thinking and speaking skills will be well received. Engage students in cooperative teamwork to create each case, to work as prosecution and defense teams, as well as to deliberate and make decisions. These same skills are goals of the U.S. Department of Education. They are also workplace objectives.

**The Judicial Branch: Interpreting America’s Laws** by Hamed Madani

The Supreme Court of the United States decides which laws are constitutional. It is the supreme law of the land. But the federal judiciary is more than just the Supreme Court; it is also the judges of the federal and district courts. Learn about the history of the federal judiciary, its organization and responsibilities, important cases that have challenged the court over time, key people in United States legal history, and what the judicial branch does today.

**They Broke the Law-You Be the Judge: True Cases of Teen Crime** by Thomas A. Jacobs

A former juvenile court judge offers a compelling "behind the bench" look at juvenile crime and justice. In each of the 21 real-life cases of teen crime, Jacobs describes the background of the offender and the circumstances of the offense. He then presents several sentencing options, leaving it up to the reader to decide what punishment is appropriate by offering a series of questions to consider before imposing a sentence. Jacobs also includes the judge's decision in each case, and he asks readers to compare and contrast their decision to the judge's. Through the encouraged role-playing, students will gain a better understanding of the intricacies of the system. An excellent introduction to how juvenile justice works; this will be a great resource for classroom and group discussions.
Bell Work

Module Objective:
1. The student will recognize the role of the courts in the United States legal system.

Activity:
1. Write the word “COURTS” on a piece of chart paper.
2. Instruct students to work with a partner to brainstorm a list of words or phrases that come to mind when they think of the word “courts”.
   Examples:
   a. judges
   b. jury
   c. suing people
   d. trials
3. Have the class share their ideas and write them on the chart paper.
Guided Practice Activity

Activity:

1. Begin this activity by having a class discussion on the role of courts. Use the Teacher Content Knowledge Resource to guide the discussion.
2. Pass out the activity sheet: Role of Courts (Scenarios).
3. Read and review each of the scenarios on the activity sheet with the students.
Application Activity

Activity:

1. Group the students into pairs.
2. Instruct each pair to cut the “Role of the Courts” scenarios into “sentence strips” and then sort the strips into two categories (interpret law, settle conflicts). Provide time for each pair to sort the scenario strips.
3. Review each scenario strip as a class.
ROLE OF COURTS (Scenarios)

1. A person receives a speeding ticket and disagrees with the charges.

2. A person wants to wear a religious t-shirt to the mall and the manager is against it.

3. A person is walking home from school and a police officer grabs the backpack and begins to look in it without asking.

4. A person wants to sue a landlord to get a deposit back.

5. A person is told he has to pay a fee to vote.

6. A newspaper writes some misinformation about a person and they want the newspaper to stop.

7. A person is not allowed a speedy trial.

8. Two people get into an accident and one person wants to get money to pay for the car damage.

9. A person wants a company to stop using his or her picture to promote a product.

10. A person is told to leave their home because the government wants to build a playground.
Independent Practice Activity

Writing Prompt: The United States legal system’s role is to interpret law and settle conflicts. Before you write, think about why it is important to have a system to review laws and settle conflicts. Write to explain why you think it is important to have a legal system in place.

__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
# Supplemental Resources and Activities

<table>
<thead>
<tr>
<th>Website</th>
<th>Web Address</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.</td>
<td><a href="http://www2.maxwell.syr.edu/plegal/scales/court.html#sca">http://www2.maxwell.syr.edu/plegal/scales/court.html#sca</a></td>
<td>U.S. Court System- Detailed information about the United States Court System</td>
</tr>
</tbody>
</table>
Author’s Purpose/Reading Comprehension

- Author’s purpose is the reason for writing a story.
- An author’s purpose can be to explain, inform, persuade or entertain.

Directions: Read the following paragraph about the United States Supreme Court, the highest court in our country. Answer the following questions.

The Supreme Court

The Supreme Court is the highest court in the United States. The Supreme Court hears cases that have made their way through the court system, but of the more than 7,500 cases that are sent to the Supreme Court each year, only about 80 to 100 cases are actually accepted. Once the Supreme Court makes a decision, it can only be changed by another Supreme Court decision or by amending (changing) the Constitution. This is a very important power that can affect the lives of a lot of people. Also, since the main power of the Supreme Court is to decide cases that challenge the Constitution, the Court must decide if the case they receive really challenges the Constitution.

There are no requirements in order to be appointed a Justice, but all have been trained in the law. Many Justices served as members of Congress, governors, or members of the President's Cabinet. One president, William Howard Taft, was later appointed Chief Justice.

1. How many cases are accepted by the United States Supreme Court each year?

2. What is the main power of the United States Supreme Court?

3. How can a United States Supreme Court decision be changed?

4. Which president was also a United States Supreme Court Chief Justice?

5. What is the author’s purpose for writing this piece?

6. How do you know this is the purpose?

7. Give three examples to support your choice.
Answer Key

Author’s Purpose/Reading Comprehension

1. 80-100
2. The Supreme Court’s main power is to decide cases that challenge the Constitution.
3. Once the Supreme Court makes a decision, it can only be changed by another Supreme Court decision or by amending (changing) the Constitution.
4. Taft
5. To inform
6. The passage provides information about the Supreme Court
7. Answers may vary