

5. Is the Supreme Court Supreme? | Lesson Plan

How do we build a government strong enough to enforce laws, but limited enough to protect freedom?

Students will explore the Judicial Branch's powers under Article III and evaluate modern challenges the courts face.

Learning Objectives:

- Identify what Article III of the Constitution defines as the judicial branch.
- Describe the roles of the judicial branch in light of the Constitution and the challenges the court now faces.
- Collaborate to develop and justify a set of guardrails that would prevent abuse of judicial power while keeping the courts independent.
- Apply key ideas about interpreting laws, constitutional limits, checks and balances to a crisis scenario problem.

Key Vocabulary:

- **Article III:** The section of the U.S. Constitution that establishes the Judicial Branch (the court system).
- **Judicial Branch:** The branch of government that interprets laws by deciding court cases and applying the Constitution.
- **Supreme Court:** The highest federal court that makes the final decision in major legal and constitutional cases.
- **Lower Courts:** The federal courts below the Supreme Court that hear most cases first, including District Courts (trial courts) and Appellate Courts (review courts).
- **Federal Court:** A national court system that hears cases involving federal laws, the U.S. Constitution, or disputes between states.

Educational Standards: CCRA.R.7, CCRA.W.2, CCRA.W.4, CCRA.W.9, CCRA.L.1, CCRA.L.2, CCRA.L.4, CCRA.SL.1, CCRA.SL.2

Academic Subject Areas: US Constitution, US History

What You'll Need

- Video: History in 5: *The Constitution Explained: Is the Supreme Court Supreme?* (Watch [Here](#))
- Worksheet: History in 5: *The Constitution Explained: Is the Supreme Court Supreme?* (Click [Here](#))
- Supplies: Paper, pencil, timer

Lesson Plan (45-55 minutes)

Warm Up: (5-7 minutes)

1. Review with students:
 - Some governments fail because leaders are too weak to act (anarchy / Articles of Confederation idea).



Scan to watch episode:

- Some fail because leaders get too powerful (tyranny).
- The Founders created three branches so no one person—or one branch—could control everything.

2. Teacher Prompt (display on the board or read aloud): Imagine your school has a “rulebook” that everyone must follow, but sometimes people disagree about what the rules really mean. Who should decide what the rules mean—the principal, the teachers, the students, or a group of parents? Why?
3. Call on 2–3 students. Write short responses on the board. (Key ideas to surface: rules need an interpreter; decisions should be fair, consistent, and not just based on popularity.)
4. Discuss the necessity of having someone interpret the rules fairly. Explain that even good laws can be misunderstood, misused, or unfairly applied if nobody can settle disputes. The Founders knew that if the courts were too weak, people with power could ignore the Constitution—but if the courts became too powerful, judges could start acting like lawmakers.
5. Explain that today’s lesson will explore what the Supreme Court does, why the Founders created it, and how the Judicial Branch is meant to protect the Constitution while still being checked by the other branches.

Government Scenario: Crisis Activity (10-12 minutes)

1. Put students into their same “government system” groups from previous lessons (or mix students up for variety). Each group draws or is assigned one crisis from the **Government Crisis Scenarios** (last page of lesson plan).
2. After students read over their crisis, hand out worksheets (one per student) and ask them to complete the **“Crisis! Fair? Or Unfair?!”** section.
3. Teacher help section: If students get stuck on how to find a limit, help them with these prompts:
 - **Dictatorship:** Who decides the verdict—evidence or the dictator? What rule would stop one person from picking the judge/jury?
 - **Absolute Monarchy:** Who controls the court—law or the king? What limit would keep the king from making his own verdicts?
 - **Oligarchy:** Should leaders and regular people receive the same kinds of punishment for breaking the law? What rule would force equal treatment?
 - **Theocracy:** Who should be on trial? The corrupt officials, or the journalist who reported them? What rule would force the court to investigate using evidence and not punish people who report it?
 - **Communist Government:** Do the courts test the claim—or accept the government’s version first? What limit would make judges hear both sides and require evidence?
 - **Direct Democracy:** When the crowd is worked up, do they listen to both sides—or only the loudest side? What limit would guarantee a fair hearing?

4. Share Out and Class Comparison: Ask groups to present their scenarios briefly to the class. This provides students with an opportunity to learn about issues that different kinds of governments can have.
5. Save the other elements of the worksheet until after students have watched the video and received direct instruction.

Founder's Purpose: What Is the Judicial Branch's Job? (5-7 minutes)

1. Direct Instruction: Explain plainly what the judicial branch is, what Article III says, and why the Founders designed courts the way they did.
 - Article III of the Constitution explains the Judicial Branch. Section 1 says the Judicial Branch includes the Supreme Court and lower federal courts. Federal, meaning pertaining to the nation as a whole.
 - The Judicial Branch is made up of judges who work in courts. Courts are where judges hear cases and make decisions about the law.
 - The Constitution allows federal judges to serve for life (as long as they don't commit serious wrongdoing). This means judges can hold power for decades, longer than a president.
 - The Founders did this intentionally: they wanted judges to be above politics, not swayed by trends or public opinion.
 - Judges are responsible for settling legal disputes between individuals, between states, and between states and individuals.
 - There are different levels of federal courts. Some are district courts, some are appellate courts, but the highest court is the Supreme Court.
 - The Supreme Court is currently composed of nine justices, but the Constitution does not specify a specific number. When the Court first convened in 1789, it had 6 justices.
 - The greatest power the judicial branch has is the power to declare laws unconstitutional—if Congress passes a law that violates the Constitution, the Court can shut it down. Article III does not clearly state this power; the Court claimed it "between the lines" in 1803 with *Marbury v. Madison*.
 - Because power tends to grow, many people now say the Judicial Branch has become too powerful. It goes beyond what the Founders intended by rewriting laws through its interpretation of the Constitution. The power to make laws belongs to Congress.
2. Next, introduce the video and watch it together as a class. Ask students to watch for the points just discussed above.

Watch and Discuss: (10-15 minutes)

1. Watch ***History in 5: Constitution Explained: Is the Supreme Court Supreme?*** uninterrupted.
2. After the video, discuss the following questions to check for understanding and prepare students to complete the worksheet:
 - Why did the Founders want a judicial branch?
 - What is the main job of the judicial branch?

- What is the difference between interpreting a law and making a law?
- Why do federal judges have life tenure? What problem is this supposed to prevent?

3. Allow students time to complete the rest of the worksheet. Scaffold and differentiate as warranted based on student needs.

Wrap Up: (5 minutes)

1. Have students complete an exit ticket or door check (spoken or written):
 - Why do we have courts?
 - What is one benefit and one risk of giving judges lifetime appointments?
2. Let students know that they'll continue their civilization activity with the next lesson
(Lesson 6): *Constitution Explained: Why We Need a Bill of Rights*

Don't have time for a full lesson? Quick Activity (30 minutes)

Distribute one Government Crisis Scenario slip to each group of students and invite them to complete the "Crisis! Fair or Unfair?" section of the "Is the Supreme Court Supreme?" Worksheet. Then watch the video, and work through the suggested discussion questions.

Government Crises Scenarios

Note: Government systems were assigned in Lesson 1. Students should use their assigned government system for this lesson as well. Scenarios are broad and meant for analysis and discussion. Print and distribute one per group.

Dictatorship – A student group is accused of “spreading dangerous ideas” because they criticized the dictator. The dictator announces the group will get a trial, but he chooses the judge, chooses the jury, and tells the judge what the verdict must be. The group is found guilty before the trial even begins.

Question: What could go wrong with this kind of “justice”? What kind of limit would keep the courts safe from the control of a powerful leader?

Absolute Monarchy – The king makes a rule that anyone who “causes trouble” will be punished. A man peacefully disagrees with the king and is arrested. The court is ordered to find him guilty because the king is always right.

Question: What could go wrong if the king controls the court? What limit would allow the courts to function without the king’s influence or direction?

Oligarchy – A small group of powerful leaders controls the country. When a regular person is caught stealing, the court punishes them with fines and jail time. But when one of the leaders is caught stealing, the court declares the leader innocent.

Question: What could go wrong if the courts give special allowances for those in power? What limit would help make sure courts deliver true justice rather than special justice for special people?

Theocracy – A journalist discovers that government officials mishandled food and water supplies, causing shortages. Instead of investigating the officials, the religious leaders accuse the journalist of “insulting the faith” and “spreading dangerous lies.” The courts accept the religious leaders’ statements as fact and put the journalist on trial, while the corrupt officials are never charged.

Question: What could go wrong if courts punish people who report problems instead of holding leaders accountable? What limit would help courts focus on evidence and law rather than protecting those in power?

Communist Government – The government says it knows what is best for everyone. It creates a rule that “dangerous lies” are illegal. A reporter shares true information about food shortages and protests. The government says it is a “dangerous lie” and arrests the reporter. The court agrees with the government because the judges work for the ruling party.

Question: What could go wrong if courts punish whoever the government dislikes? What limit would help judges make fair decisions without the government controlling them?

Direct Democracy – The town has a rule that says that if anyone becomes dangerous to the community, the people may vote to remove them from the town for 10 years. A popular speaker warns that the town is making bad choices. A few opponents who dislike the popular speaker rile up the crowd, and the town directly votes in the heat of the moment to remove the speaker, without giving him a chance to defend himself. In this town, there are no courts. The mob rules.

Question: What limit would need to be built into this system in order to give those who disagree with the mob a fair hearing?