

The Constitution's Job Description for the Courts – And You

What is the Primary Job of the Third Branch? The courts are the Third Branch of the government as defined in Article III of the Constitution. The Third Branch has special responsibilities to the Constitution, to you, and to the other two branches of government – the Legislative Branch (Congress) and the Executive Branch (President and his/her administration). The courts fulfill two of the primary goals outlined in the Constitution:

- To clearly define the powers of the government so that government does not become too powerful.
- To protect individual rights.

Although all three branches of government are authorized to check/curb the powers of the other two branches and to balance out their powers, the Third Branch also has the following authority:

- To interpret the laws and decide if they are constitutional.
- To stop the other two branches if they take actions that are unconstitutional.

What is the Primary Job of the Supreme Court in Regard to the Other Two Branches? *To Decide if Their Actions are Constitutional.* When it comes to checks and balances in our system of government, perhaps the most important check that the judicial branch has on the legislative branch (Congress) and the executive branch (the Presidency) is its ability to declare an act of Congress or the President and his/her Administration to be unconstitutional. What happens if one branch violates the Constitution or our rights? The United States is different from many other countries in such situations because it provides a way to address this problem. If an action of Congress or the President is challenged in court, the judicial branch can declare that action unconstitutional. Sometimes that means the action must stop. This process is known as judicial review. In other words, when someone brings a case to the Supreme Court it can review what the other two branches have done and make them stop the actions that are unconstitutional.

What is the Primary Job of Supreme Court Justices and Judges in All Courts? *To be Fair and Impartial.* Justices and judges make sure that everyone who comes to court is on an equal playing field. Like a referee or umpire, they enforce the rules so that everyone's side of the story can be heard and fairly judged. Judges must make decisions based on law, not their personal opinion or popular opinion. They cannot be pressured by Congress, the President, the media, or anyone else. Their job is to do justice in the case before them, even if they have to make an unpopular decision.

What is Your Primary Job in the Third Branch? *To Serve on Juries When Called.* Citizens like you can serve the courts in many ways – be a lawyer or judge, testify at a trial, work for the courts, etc. – but jury service, as described in the Sixth Amendment and the Seventh Amendment of the Constitution, is one of the most important ways that you can directly participate in your government. A jury is a panel of citizens like you. They sort out the facts of a legal case. Juries are used in some, but not all, trials. In a criminal trial, you decide if the defendant is guilty or not guilty. Most of the time, all members of the jury must agree on the final decision – the verdict. If you are a criminal defendant, the Constitution gives you the right to a speedy and public trial by a jury. How do you qualify to serve on a jury? You must:

- Be a U.S. citizen
- Be, at least, 18 years old
- Understand the English language
- Have lived in your judicial district for at least one year
- Have no felony convictions
- Be of sound mental condition