Middle School/Junior High Civics & Economics

Objectives: Students will be able to:

- use primary and secondary sources;
- use, create, and interpret charts, diagrams, and pictures to determine characteristics of people, places, or events;
- develop fluency in content vocabulary, and comprehension of verbal, written, and visual sources;
- gather and classify information; and
- access a variety of media, including online resources.

Standards

Virginia:  
CE.7a Structure and Powers of the State Government (Virginia)  
CE.8a Structure and Powers of the Local Government  
CE.9a Organization of the United States Judicial System as Consisting of State and Federal Courts with Original and Appellate Jurisdiction  
CE.9c Civil and Criminal Cases

National: NSS.C.9-12.3 Principles of Democracy

Approx. Time: One 90 minute block or two 45 minute blocks

Hook: Loving v. Virginia Puzzle

Copy the eight images near the end of the lesson and cut them up so they are separated individually. Divide students into eight groups and give each one an image and ask them to study the image and write down what it is and any thoughts they have about it. After a few minutes, have one person from each group take their image to another group in a clockwise rotation. They will explain their image to that group and allow for some questions and discussion (about 2 minutes). Students will do this until each group has seen and discussed all eight images. When they are done, ask them what they think the images have in common? They may figure out that all of the images have to do with the Loving v. Virginia case, but not just the Supreme Court decision. Some images represent the other levels of courts or stages of the judicial process.

Briefly explain each image to the students and then ask if there are any images that don’t really belong.

Image 8 is not associated with the Loving case, so it does not belong. However, students should connect it to discrimination, separation of the races, and the use of the judicial system to protect civil rights. Image 5 is often associated with this case, but it is not, even though “Loving” and “Lovers” is somewhat similar, the slogan was created in 1969 to promote tourism in the Commonwealth.

Explain this is just one example of a case that traveled from a local county court, to a state supreme court, and finally to the United States Supreme Court. Today they will learn more about the different types of courts in the United States and the Loving v. Virginia case.
Federal and State Courts

Students will use web sources or handouts to answer questions and fill out a chart concerning the different levels and jurisdictions of federal and state courts.

Loving v. Virginia Case

Students will read an article about the case and demonstrate an understanding of how the dual court system works in the United States.

Post Assessment: Students will demonstrate comprehension of the levels, types, and jurisdiction of courts by classifying examples using content vocabulary.

Struggling Learners: Allow students to work in pairs as they answer questions about federal and state courts and allow them to work together for the post assessment.

Advanced Learners: If time allows, students should find a current news article concerning a court case that originated at a local or state level and rose to the Supreme Court. They should either write a one-page brief or create a short video explaining the merits of the case and the path to the Supreme Court. Students should include at least 5 vocabulary terms from the lesson.
The Judicial Branch: Federal Courts

The role of the judicial branch is to interpret the law. This power comes from Article III of the Constitution.

Terms to Know

- **Jurisdiction**: Authority to hear a case
- **Original Jurisdiction**: Authority to hear a case first, that is, before it goes to any other court
- **Appellate Jurisdiction**: Authority to review a decision of a lower court

“The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.”
- Section 1, Article III, U.S. Constitution

“The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;— between a State and Citizens of another State,—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.”
- Section 2, Article III, U.S. Constitution

1. In Section 1, what federal courts does the Constitution create?

2. Is there any court higher than the Supreme Court?

3. Section 2 outlines the jurisdiction of the federal courts.
   a. In which cases does the Supreme Court have original jurisdiction?
   b. In which cases does the Supreme Court have appellate jurisdiction?
There are many “inferior” courts created by Congress but we will just focus on the Courts of Appeals and District Courts. Using the website https://goo.gl/jB9Hvs or the handout “Structure of the Federal Courts,” answer the following questions:

4. Which court is the lowest, where cases are heard the first time by a judge with or without a jury?

5. Which courts are also known as “circuit” courts where cases are heard by more than one judge, but no jury, and where the courts have appellate jurisdiction only?

6. How many District Courts and Circuit Courts of Appeals are there?

7. Which court has 9 justices, no jury, and has BOTH original and appellate jurisdiction?

Types of Cases: Civil or Criminal?

If you have ever watched one of the court shows on television like Judge Judy or Judge Joe Brown, think about what the judge was deciding. Was the judge deciding if someone was guilty of a crime or simply settling a dispute between two people? Simply, that is the difference between a criminal and a civil case.

Terms to Know

Civil Case  In a civil case, the court settles a disagreement between two parties, like a contract dispute, or damage to property, like trespass. The resolution may include an award of damages, or compensation, to the party that was found to have been “wronged” by the other party.

Criminal Case  In a criminal case, the court determines whether a person accused of breaking the law is guilty or not guilty of a crime. A crime may be either a misdemeanor or a felony.

Felony  A serious crime

Misdemeanor  A minor crime, punishable by a fine or a light jail term

Depending on the level of court, federal courts hear both federal civil and criminal cases, but what if you were accused of a crime that was not a federal offense, like speeding. What court would you appear in?

The Judicial Branch: State Courts

In the United States, we have a dual court system. This means we have state courts as well as federal courts. In every city and county, state courts resolve civil and criminal matters that arise under state laws. State courts also interpret state laws. Like federal courts, there are many levels of state courts.

8. If federal courts get their power from the U.S. Constitution, where do you think state courts in Virginia get their power?
Levels of Virginia Courts

Using the website [https://goo.gl/oLcg29](https://goo.gl/oLcg29) or the student handout “Virginia’s Judicial Systems,” complete the following chart:

<table>
<thead>
<tr>
<th>Name of Court</th>
<th>Number of Justices</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Jury; appellate jurisdiction, limited original jurisdiction</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of Court</th>
<th>Number of Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Jury; appellate jurisdiction to review decisions of circuit courts</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of Court</th>
<th>Number of Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judge, with or without jury; original jurisdiction for felony criminal cases and for certain civil cases; appellate jurisdiction from district courts</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of Court</th>
<th>Number of Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judge, no jury; original jurisdiction for misdemeanors and civil cases generally involving lower dollar amounts</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of Court</th>
<th>Number of Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original jurisdiction in juvenile and family cases - includes anyone under 18 years old and issues involving families</td>
<td></td>
</tr>
</tbody>
</table>
The Ball is in Your Court: Ready to Review?
Now that you have learned about federal and state courts and some new vocabulary, let’s see how good your game is.

Orange Juice or Apple Juice?
Looking at the examples below, identify what type of jurisdiction it represents: original (OJ) or appellate (AJ).

1. The 4th Circuit Court of Appeals hears a case from the U.S. District Court for the Eastern District of Virginia. OJ AJ
2. Jeff steals a car and drives it across state lines. He is arrested and appears in federal district court. OJ AJ
3. The U.S. Supreme Court hears a case involving a dispute over the Chesapeake Bay between the states of Virginia and Maryland. OJ AJ
4. The U.S. Supreme Court hears a case directly from the Supreme Court of Virginia. OJ AJ
5. Mr. Ownby gets a speeding ticket in Powhatan County and appears in general district court. OJ AJ
6. Jeff steals a car in one county and drives it into another county and appears in state circuit court. OJ AJ

Criminal or Civil?
Looking at the examples below, identify whether the case is a criminal or civil case.

7. A neighbor’s tree falls into your yard and damages your car. You claim the neighbor is responsible for the damage, but your neighbor denies any responsibility so you take him to court. Criminal Civil
8. A neighbor’s tree falls into your yard and damages your car. To get back at your neighbor, you puncture all of the tires on his car and he calls the police. Criminal Civil
9. Several under-aged students are caught with alcohol at a party when the police show up because a neighbor called and complained about the noise. Criminal Civil
10. You loan a friend $100, and he agrees to pay you back in a month. After two months, he still has not paid you. He now claims you gave it to him as a gift. Criminal Civil
Judicial Systems - Federal & Virginia

Name __________________________ Date __________

Name the Court
Looking at the examples below, name the court that would hear the case.

11. Alex stole a check out of his neighbor’s mailbox which is a federal crime.
   Which Court? __________________________

12. Hannah, a 13 year old 8th grader, stops going to school.
   __________________________

13. Greg was convicted of a crime in a circuit court in Virginia and is appealing it to the next highest court.
   __________________________

14. The Russian Ambassador is caught stealing documents from the American Embassy.
   __________________________

15. Cheryl claims that Debra hit her car in the school parking lot, but Debra denies it. Cheryl wants to sue Debra for damages (which were only $400).
   __________________________

Vocabulary Review
Match the term to the correct definition or explanation by drawing a line to it.

16. Misdemeanor  a. Authority to hear a case

17. Felony       b. A minor crime

18. Jurisdiction c. Includes federal and state courts

19. Dual Court System d. Ability to consider a case after one court has already heard it

20. Appellate Jurisdiction e. A major crime

* This website is used for instructional purposes only and is not supported or endorsed by The John Marshall Foundation.
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Which Court?

Federal District Court

Juvenile & Domestic Relations District Court

Virginia State Court of Appeals

U.S. Supreme Court

General District Court (state)

Vocabulary Review

Match the term to the correct definition or explanation by drawing a line to it.

16. Misdemeanor

17. Felony

18. Jurisdiction

19. Dual Court System

20. Appellate Jurisdiction

a. Authority to hear a case

b. A minor crime

c. Includes federal and state courts

d. Ability to consider a case after one court has already heard it

e. A major crime
Loving v. Virginia

Using the website https://goo.gl/2sDRkJ or the handout "Loving v. Virginia United States Case Law" answer the following questions:

1. When was the Loving v. Virginia case decided?

2. Miscegenation means marriage or cohabitation of people with different races. What Virginia statute (law) did the U.S. Supreme Court strike down unanimously?

3. What do you think “equal protection” means?

4. What happened to the Lovings in July of 1958?

5. What did the Lovings plead guilty to in a Virginia state court in January, 1958?

6. Instead of jail time, what was the sentence the judge ordered for the Lovings?
7. Who accepted the case for review, after the Lovings challenged that the Virginia laws against miscegenation were unconstitutional?

8. What was the decision for that case?

9. Which court did the Lovings appeal to next?

10. What was the outcome?

11. How many different levels of courts did the Lovings go through to finally get justice?

12. How is this an example of America’s dual-court system?
Judicial Systems - Federal & Virginia

Federal Judicial System  https://goo.gl/VmU7cu

U.S. District Courts
- Trial level court in the federal system, with or without jury
- 94 judicial districts in 50 states & territories
- Decides cases involving federal crimes & federal civil law
- Original jurisdiction

U.S. Courts of Appeals
- Intermediate level federal courts
- 12 regional "Circuit" courts (including D.C.) & Federal Circuit, judges, no jury
- Appellate jurisdiction from district courts & other federal courts/commissions

U.S. Supreme Court
- Highest court in the federal system
- 9 Justices, no jury, meeting in Washington, D.C.
- Appellate jurisdiction from courts of appeals & highest state courts
- Limited original jurisdiction, mostly discretionary

Virginia Judicial System  https://goo.gl/oLcg29

Virginia Judicial System

MAGISTRATES
INTAKE OFFICER

GENERAL DISTRICT COURTS
Limited Jurisdiction Courts
32 Districts

CIRCUIT COURTS
General Jurisdiction Trial Courts
31 Circuits

COURT OF APPEALS
11 Judges

SUPREME COURT OF VIRGINIA
Chief Justice and Six Justices
Loving v. Virginia United States Case Law

WRITTEN BY: Brian Duignan

Loving v. Virginia, legal case, decided on June 12, 1967, in which the U.S. Supreme Court unanimously (9–0) struck down state antimiscegenation statutes in Virginia as unconstitutional under the equal protection and due process clauses of the Fourteenth Amendment.

The case arose after Richard Loving, a white man, and Mildred Jeter, a woman of mixed African American and Native American ancestry, traveled from their residences in Central Point, Virginia, to Washington, D.C., to be married on June 2, 1958. Having returned to Central Point, they lived in the home of Mildred's parents while Richard, a construction worker, built a new house for the couple. In July 1958, police entered the Lovings' bedroom in the early morning hours and arrested them for having violated the state's ban on interracial marriage. At a hearing in a Virginia state court in January 1959, the Lovings pleaded guilty to having violated Section 20-58 of the Virginia state code, which prohibited a “white” person and a “colored” person from leaving the state to be married and returning to live as man and wife. Section 20-58 specified that punishment for violation of the law—confinement in the state penitentiary for one to five years—should be the same as that provided in Section 20-59, which prohibited marriage between “white” and “colored” persons. The term “white person” was defined in Section 20-54 as a person with “no other admixture of blood other than white and American Indian,” provided that the amount of Indian blood was one-sixteenth or less; the term “colored person” was defined in Section 1-14 as a person “in whom there is ascertainable any Negro blood.” Sections 20-59 and 20-54 were derived from provisions of the state’s Act to Preserve Racial Integrity, adopted in 1924.

The judge sentenced the Lovings to one year in jail but suspended the sentence on the condition that the couple leave the state immediately and not return as man and wife for a period of 25 years. Having established residence in Washington, D.C., the Lovings filed suit in a Virginia state court in November 1963, seeking to overturn their convictions on the grounds that Sections 20-58 and 20-59 were inconsistent with the Fourteenth Amendment. After the state court rejected the Lovings’ challenge, the case was accepted for review by Virginia’s Supreme Court of Appeals, which upheld the constitutionality of 20-58 and 20-59 but voided the sentences because the condition under which they were suspended was, in its view, “unreasonable.” Citing its earlier decision in Naim v. Naim (1965), the appeals court ruled that, despite the statutes’ use of racial classifications to define the criminal offenses in question, neither statute violated the guarantee of equal protection of the laws because the penalties they imposed applied equally to both “white” and “colored” persons. The Lovings then appealed the case to the U.S. Supreme Court, which heard oral arguments on April 10, 1967.

Writing for a unanimous court, Chief Justice Earl Warren reversed the Lovings’ convictions. He first dismissed the Naim court’s reading of the equal protection clause, declaring that “we reject the notion that the mere ‘equal application’ of a statute containing racial classifications is enough to remove the classifications from the Fourteenth Amendment’s proscription of all invidious racial discriminations.” Accordingly, he rejected Virginia’s contention that the constitutionality of the statutes, given their presumptive compatibility with the equal protection clause, should depend solely on whether they served a rational purpose—a question best left to the wisdom of the state legislature, Virginia argued, in light of doubtful scientific evidence. To the contrary, Warren insisted, citing Korematsu v. United States(1944), “the Equal Protection Clause demands that racial classifications, especially suspect in criminal statutes, be subjected to the ‘most rigid scrutiny’”—in contrast to the less-demanding “rational-basis” standard—and, if they are ever to be upheld, they must be shown to be necessary to the accomplishment of some permissible state objective, independent of the racial discrimination which it was the object of the Fourteenth Amendment to eliminate.” Yet, he continued, “there is patent no legitimate overriding purpose independent of invidious racial discrimination which justifies this classification.”

Warren’s opinion was also notable for its affirmation of the freedom to marry as “one of the ‘basic civil rights of man,’ fundamental to our very existence and survival,” citing the Supreme Court’s decision in Skinner v. Oklahoma (1942). To deny this freedom “on so unsupportable a basis as the racial classifications embodied in these statutes,” Warren contended, would be “to deprive all the State’s citizens of liberty without due process of law.”

The Supreme Court’s ruling overturned the Lovings’ conviction and had the effect of invalidating laws against interracial marriage in 15 other states.

| https://goo.gl/uWULnS |
Justices Upset All Bans On Interracial Marriage

9-to-0 Decision Rules Out Virginia Law—15 Other States Are Affected