

Judicial Review and Treason

(See Article III, Section 3)

There are two important legal concepts that need to be discussed at this point, the first of which is called judicial review.

We saw in the last lesson what types of powers the Supreme Court has. In 1803, in a case before the Supreme Court, another important power of the Supreme Court was begun. That was the power to declare a law *unconstitutional*, meaning the law goes against the Constitution of the United States.

For example, we know the Constitution states that there should be two senators from each state. If Congress passed a law saying there should only be one senator from a state, the Supreme Court could look at that law and declare it unconstitutional. That means Congress's law is void because the Constitution is more important and is the supreme law of the land. This process of checking the laws is known as *judicial review*. The job of the Supreme Court is to review the laws of our country.

Another concept mentioned by the Constitution is that of *treason*. Treason is defined as carrying on war against the United States and giving help to the nation's enemies. Treason is a very serious crime, and it is one of the charges that may be involved in the impeachment process. In order to be convicted of treason, two witnesses must testify to the same story, and/or the accused must make a confession in a courtroom.

To quickly review, we've seen the three branches of our Federal government. The legislative branch makes our laws, the executive branch carries out our laws, and the judicial branch defines our laws. There are many people who make our laws and help run our country, just as there are many who defend our rights and freedoms as Americans.



John Marshall, chief justice from 1801 to 1835, was responsible for broadening the powers of the Supreme Court, especially the power of judicial review.

THE JUDICIAL BRANCH AND ARTICLES IV-VII

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≈ Challenges ≈

1. Define:

Unconstitutional: _____

Treason: _____

2. The process of checking the laws of our land is called: _____

3. What does it mean when the Supreme Court declares a law “unconstitutional”?

4. Give an example of an act of treason. _____

5. What must happen in court for a person to be convicted of treason? _____

6. What does the executive branch do? _____

7. What does the judicial branch do? _____

8. What does the legislative branch do? _____
