

Lesson Guide

The Constitution Project: An Independent Judiciary

This lesson aims to explain the role of the judiciary in relation to the legislative and executive branches and how judicial independence has evolved since the founding. Two significant cases covered in the lesson, *Cherokee Nation v. Georgia* (1831) and *Cooper v. Aaron* (1958), exemplify the importance of an independent judiciary.

Before showing the video:

Students should be familiar with both the Indian removal and the desegregation of schools. It would be helpful to ask students the following discussion questions prior to showing the DVD.

Discussion Questions:

- Why did the founders create three distinct branches of government? What did they fear, and what did they hope to achieve?
- Which branch enacts the law?
- Which branch enforces the law?
- Which branch interprets the law?
- Do people obey Supreme Court decisions?

You can also have the students respond to the following prompts and list the responses for post-video review:

- What is judicial review?
- The founders sought to establish an independent judiciary by separating the branches. What are the benefits of having judges be independent of the president or Congress?
- Why do you think people obey Supreme Court decisions?

DVD:

The DVD examines the role of the judiciary as well as two episodes in history where Supreme Court decisions were challenged.

Review Questions:

1. What is judicial independence? Why is this an important part of the Constitution?
2. Were there differences in Americans' responses to the Supreme Court decisions from *Cherokee Nation v. Georgia* (1831) and *Aaron v. Cooper* (1958)?
3. Were there differences in the presidents' responses to the Supreme Court decisions from *Cherokee Nation v. Georgia* (1831) and *Aaron v. Cooper* (1958)?
4. How do the public and government reactions to *Cherokee Nation v. Georgia* (1831) and *Aaron v. Cooper* (1958) demonstrate the importance of judicial independence? The gradual acceptance of judicial review?
5. How do *Cherokee Nation v. Georgia* (1831) and *Aaron v. Cooper* (1958) demonstrate the need for judicial review?
6. Ernest Green's graduation was described as a "graduation for the entire nation." What did the people come to understand about the Supreme Court's power?

Additional Resources:

The Pursuit of Justice: Chapter 13

http://www.annenbergclassroom.org/Files/Documents/Books/The%20Pursuit%20of%20Justice/108_119_Ch_13.pdf

The Pursuit of Justice: Chapter 20

http://www.annenbergclassroom.org/Files/Documents/Books/The%20Pursuit%20of%20Justice/159_170_Ch_20.pdf