Chapter 18: The Federal Court System
Section 1
Lecture Notes

AMERICAN GOVERNMENT

PEARSON

Origins of the Judiciary

- The Constitution created the Supreme Court.
- Article III gives Congress the power to create the rest of the federal court system, which it did in 1789.
- The states each have their own court systems that exist side-by-side with the federal courts.
- Most cases tried each year are heard by state courts.

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Types of Federal Courts

- Congress created the inferior courts.
  - **Constitutional courts** exercise the judicial power of the United States and hear a wide range of cases dealing with federal laws.
  - **Special courts** hear specific types of cases related to the expressed powers of Congress.

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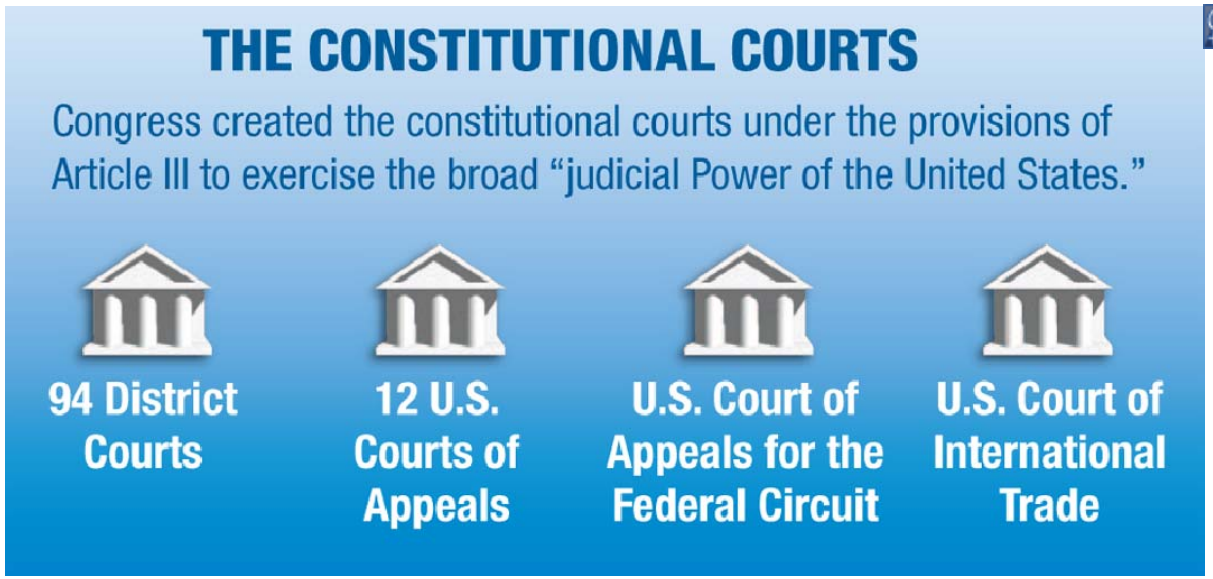
Types of Federal Courts

- The Constitution created only the Supreme Court, giving Congress the power to create any lower, or "inferior," courts as needed.
  - Congress created the Constitutional Courts under the provisions of Article III to exercise the broad "judicial Power of the United States.



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Types of Federal Courts, cont.

- Congress created the special, or legislative, courts to help exercise its powers as spelled out in Article I.
- These courts have narrowly defined jurisdictions.

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Federal Jurisdiction

- **Federal courts** hear cases based upon subject matter or the parties involved in the cases.
  - Federal courts usually try cases that only they have authority to hear.

- **Federal courts** can hear any case whose subject matter involves the interpretation and application of a provision in the Constitution or in a federal law or treaty.

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Federal Jurisdiction, cont.

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- The United States or its officers and agencies
- An official representative of a foreign government
- One of the 50 states suing another state, a resident of another state, or a foreign government
- A U.S. citizen suing a citizen of another state or a foreign government or citizen

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Types of Jurisdiction

- Cases with concurrent jurisdiction can be tried in *either* a federal or state court.
- The court in which a case is first heard has original jurisdiction for that case.
- A court with appellate jurisdiction rules on cases that were first tried in other courts.
  - Appellate courts review these cases to ensure that the law was correctly applied. They can uphold or overturn earlier decisions.

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Federal Judges

- The President appoints federal judges and the Senate confirms or rejects them.

- Judges on the constitutional courts are appointed for life and can be removed only through impeachment.

Judge Maryanne Trump Barry, U.S. Court of Appeals, Third Circuit

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Federal Judges, cont.

- There are no constitutional qualifications for being a federal judge.
  - It is now customary for appointees to have legal backgrounds, prior judicial experiences, and to belong to the same political party as the President.

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Judicial Restraint

- Judges make decisions that shape public policy.
- **Judicial restraint** argues that the courts should defer to the policy decisions of the legislative and executive branches.
- Supporters of **judicial restraint** believe that judges should decide cases based upon:
  - The intent of the Framers and Congress when the law was originally written
  - Precedents set by rulings in similar cases.

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Judicial Activism

- **Judicial activism** argues that judges should take into account how social values and conditions may have changed over time when they interpret the law.

- Supporters of this principle believe that judges can and should make independent decisions when their interpretation of law differs from that of the legislative and executive branches.

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Chapter 18: The Federal Court System
Section 2
Lecture Notes

AMERICAN GOVERNMENT

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Judicial Districts

- Each state forms at least one judicial district, with at least two judges.
  - Larger states are divided into multiple districts and larger districts may have more judges.
  - There are 94 district courts, serving all 50 states as well as U.S. territories.
- Most district cases are heard by a single judge.

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Multi-Judge Panels

- Three-judge panels try some cases involving apportionment, civil rights, or antitrust laws.

- The **Foreign Intelligence Surveillance Court** is made of 11 district court judges and issues secret search warrants to monitor suspected spies and terrorists.

- The **Alien Terrorist Removal Court** is made up of 5 district judges and decides whether to expel suspected foreign terrorists from the country.

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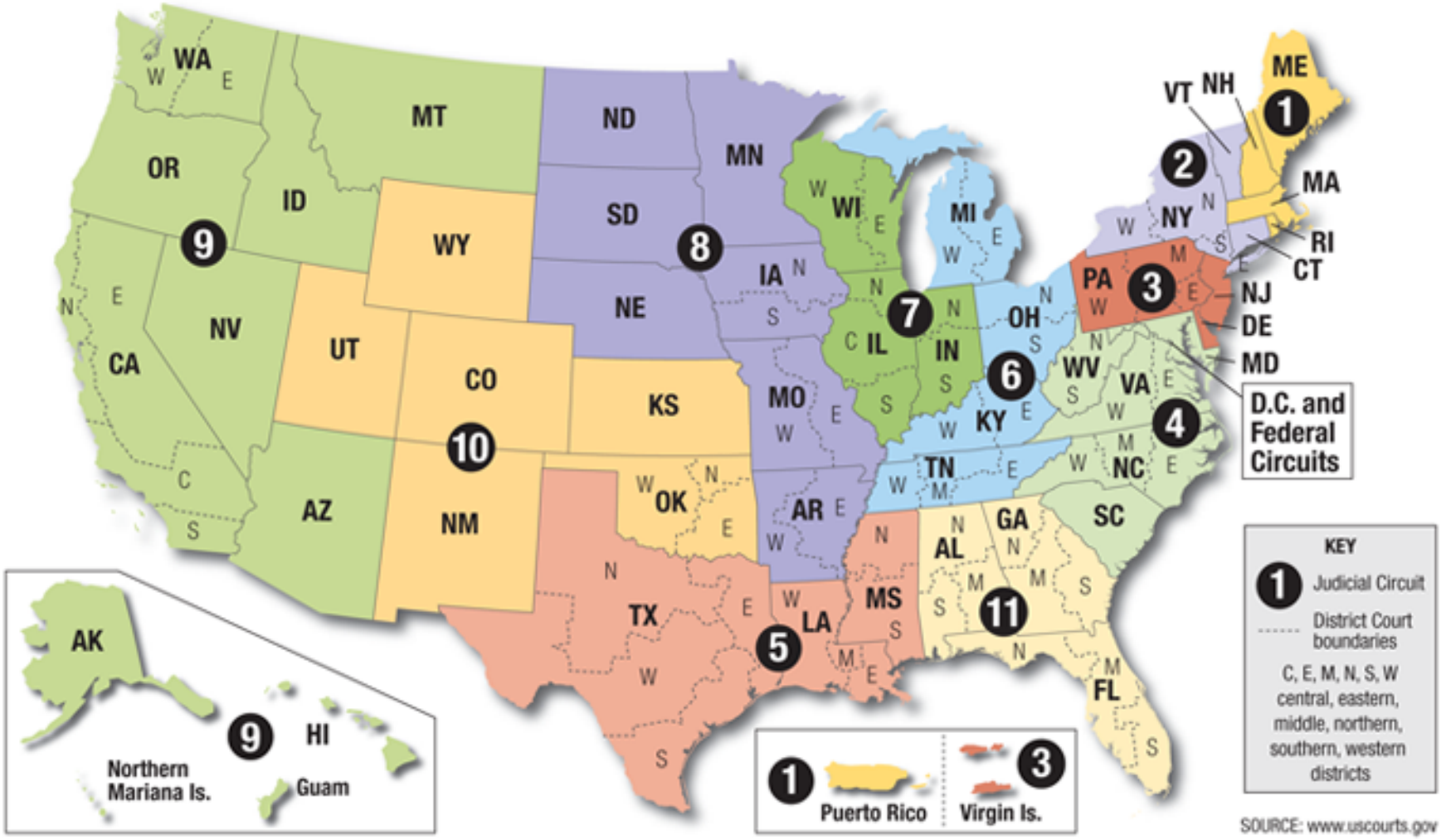
Federal Court Circuits and Districts



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District Court Jurisdiction

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- **District courts** have original jurisdiction over more than 80 percent of federal criminal and civil cases.
- **Federal criminal cases** include bank robbery, kidnapping, counterfeiting, mail fraud, tax evasion and terrorism.
- **Federal civil cases** include disputes involving bankruptcy, postal, tax, and civil rights laws.

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District Court Jurisdiction

AMERICAN GOVERNMENT

- In **federal criminal cases**, the United States is always the prosecutor.
- Most **federal civil cases** are between private parties, but the United States may be a plaintiff or defendant.
- Most of the decisions made in district courts are not appealed.
  - A few cases are appealed to the courts of appeals or directly to the Supreme Court.

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Courts of Appeals: Structure

- Congress created the **courts of appeals** in 1891 to ease the burden on the Supreme Court.
  - There are 13 courts of appeals today.
  - The nation is divided into 12 circuits, each with its own court of appeals.
  - Each court of appeals hears cases on appeal from one of the district courts within its circuit.

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Structure, cont.

- The **Court of Appeals for the Federal Circuit** has nationwide jurisdiction.
  - This **13th circuit court** deals with appeals from:
    - The Court of International Trade
    - The Court of Federal Claims
    - The Court of Appeals for Veterans Claims
    - The 94 district courts if the case appealed involves copyright or patent issues.

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How Government Works

The Appellate Path in the Federal Courts

Supreme Court

Appeals from the Highest State Courts

U.S. Court of Appeals for the Armed Forces

Military Courts

U.S. Court of Appeals for the Federal Circuit

U.S. Court of International Trade

U.S. Court of Federal Claims

U.S. Court of Appeals for Veterans Claims

12 U.S. Courts of Appeals

94 District Courts

U.S. Tax Court

Territorial Courts

Courts of the District of Columbia

Appeals from Federal Regulatory Agencies

KEY TO COURTS

- Constitutional Courts
- Special Courts
- Other Courts

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AUDIO TOUR

Courts of Appeals: Operation

- Each circuit court has from 6 to 28 judges, who usually sit in three-judge panels.
  - A justice of the Supreme Court is also assigned to each circuit.
- They do not conduct trials or accept new evidence.
  - Instead they review the record and the arguments of a case.
- Less than one percent of their decisions are appealed to the Supreme Court.

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Court of International Trade

- Congress created the **Court of International Trade** in 1890 and made it a constitutional court in 1980.
- The Trade Court's nine judges sit in panels of three and often hold jury trials in major ports.
- The Trade Court has original jurisdiction over all civil cases involving the nation's international trade and customs laws.

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Chapter 18: The Federal Court System
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AMERICAN GOVERNMENT

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The Court's Influence

- The Supreme Court is the final authority on legal questions dealing with the Constitution, acts of Congress, and U.S. treaties.

- This authority comes largely from the power of **judicial review**, which lets the Court interpret the meaning of the Constitution.

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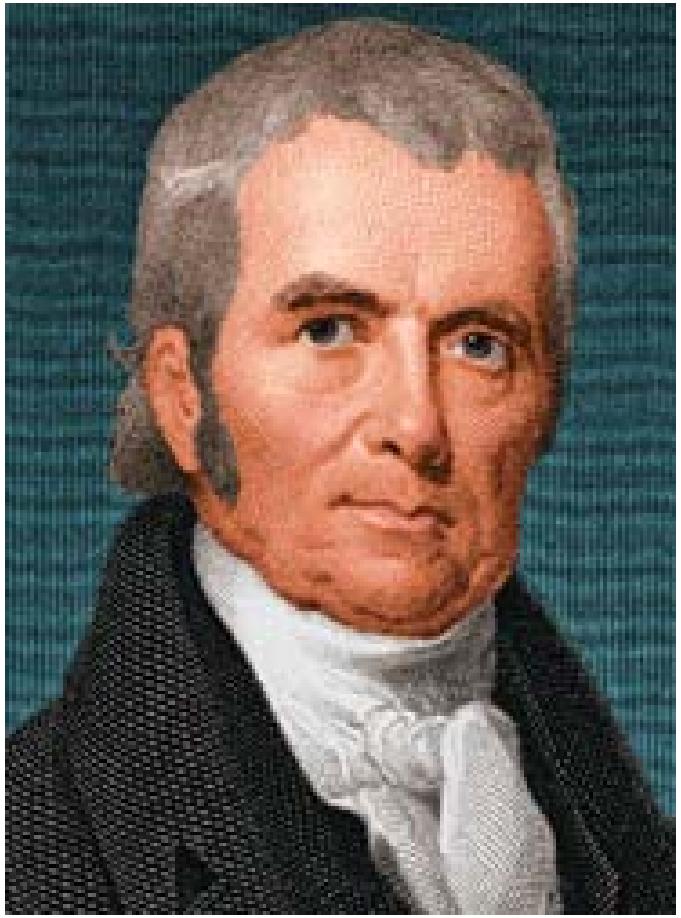
The Court's Influence, cont.

- The Court also interprets the meaning of many federal laws and rules on how they should be applied.

- Chief Justice John Marshal laid the foundation for Courts role in interpreting laws.



John Marshall, Chief Justice of the United States, 1801—1835

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Packing the Court

- The Judiciary Act of 1789 created a Supreme Court of six justices, including the Chief Justice.

- The Court's size has changed over time, reaching its present size of nine in 1869.

- In 1937, President Franklin Roosevelt asked Congress to increase the size of the Court.

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Packing the Court, cont.

- While FDR claimed that his plan would make the Court more efficient.
- The proposal was really born out of the fact that the then-current Court had several key pieces of New Deal legislation to be unconstitutional.
- His plan was widely defeated in Congress.

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Marbury v. *Madison*, 1803

AMERICAN GOVERNMENT

- President Jefferson wanted to block William Marbury from accepting a judgeship granted by the outgoing President Adams.
  - Jefferson asked the Supreme Court to hear the case under the authority granted to the Court by a recent congressional law.
  - Marshall ruled that the law passed by Congress was unconstitutional, so the Court had no jurisdiction to hear the case.

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Marbury v. *Madison*, cont.

AMERICAN GOVERNMENT

- Checkpoint: What is the significance of the case *Marbury* v. *Madison*?
  - Marshall ruling affirmed the Court's power of judicial review, which is not stated in the Constitution.
  - Judicial review gave the judicial branch a key role in the development of American government.

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Jurisdiction

- The Supreme Court has original jurisdiction over cases:
  - Involving two or more states
  - Affecting ambassadors and public ministers

- Almost all cases come to the Court on appeal from lower courts.

- Most cases reach the Supreme Court from the highest state courts and the Federal Courts of Appeals.

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Choosing Cases

- More than 8,000 cases are appealed to the Supreme Court each term, but it accepts only a few hundred.
  - At least four justices must agree to accept a case.
  - Refusing to hear a case does not mean the Court agrees with the lower court's decision.
  - Over half of the accepted cases are remanded—returned to a lower court without the Court ruling on them.

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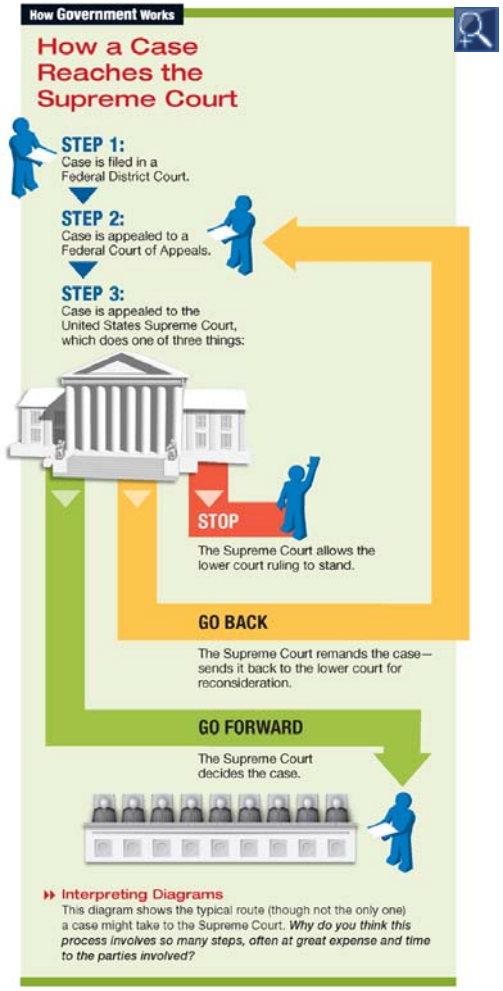
Choosing Cases, cont.

- Either party in a case may petition the Court to issue a writ of certiorari agreeing to review that case.

- A few cases reach the Court by certificate--when a lower court asks the Supreme Court to rule on a confusing issue.



AUDIOTOUR

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Hearing Cases

- Each term of the Supreme Court lasts from the first Monday in October to sometime the following June or July.

- Justices receive written briefs for each case that detail each side's legal arguments.

  – Sometimes interested parties are allowed to submit their own amicus curiae, or friend of the courts, briefs supporting or opposing one side in the case.

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Hearing Cases, cont.

- After reading the briefs for several cases, the justices hear oral arguments for those cases.
  - Each side gets 30 minutes to present their case and answer questions from the justices.

- The solicitor general represents the United States in cases before the Supreme Court.
  - He or she also decides what cases the government should ask the Court to review.

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Deciding Cases

- After hearing oral arguments, the justices recess to consider the cases.
- Then they meet in conference to discuss the cases.
  - Each justice presents their own views and conclusions in conference.
  - A majority must decide which party wins or loses a case.
  - The justices are often divided in their views of a case.

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Issuing Opinions

- Checkpoint: What happens once a case has been decided?
  - The Court announces its decision and issues one or more written opinions.
  - The **majority opinion** sets out the facts of the case and explains the decision.
  - A **concurring opinion** agrees with the majority but cites different reasons for the ruling.
  - A **dissenting opinion** is written by a justice who disagrees with the Court's decision in a case. It does not become precedent.

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Who is on Today's Court?

AMERICAN GOVERNMENT

- A President seeks to appoint justices who share his or her political stance, but justices' views may change over time in unpredictable ways.

- Today's Court has a conservative majority and is often divided in its decisions.

Justice	Age When Appointed	Appointed by (Year)	Previous Years as a Judge
Chief Justice John G. Roberts, Jr.	50	G.W. Bush (2005)	2
John Paul Stevens	55	Ford (1975)	5
Antonin Scalia	50	Reagan (1986)	4
Anthony M. Kennedy	51	Reagan (1988)	13
David H. Souter	51	G.H.W. Bush (1990)	13
Clarence Thomas	43	G.H.W. Bush (1991)	2
Ruth Bader Ginsburg	60	Clinton (1993)	13
Stephen G. Breyer	55	Clinton (1994)	14
Samuel A. Alito, Jr.	55	G.W. Bush (2006)	16

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Chapter 18: The Federal Court System
Section 4
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AMERICAN GOVERNMENT

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Special Courts

- Unlike the constitutional courts, Congress established the special courts under the authority of Article I of the Constitution.

- This means that each special court has a very narrow jurisdiction, hearing only specific types of cases.

- Special court judges are appointed for fixed terms, not for life.

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Courts-Martial

- **Courts-martial** are military courts and not part of the federal court system.
  - They try only members of the military accused of violating military law.
  - In a courts-martial, only two-thirds of the panel, or jury, has to agree on a verdict, unlike the unanimous verdict required in civilian courts.

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Courts-Martial, cont.

- All court officials in the courts-martial--judges, defense attorneys, prosecutors, and so forth--are members of the military, usually officers.

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Military Courts of Appeal

- Congress created the **Court of Appeals for the Armed Forces** in 1950 to review serious convictions of military personnel.
  - This is a civilian court that hears appeals of military court rulings.

- Congress established the **Court of Appeals for Veterans** in 1988 to hear appeals of decisions about veterans' benefits made by the Department of Veterans Affairs.

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Military Commissions

- In 2001, President George W. Bush ordered the creation of **military commissions** to try captured "unlawful enemy combatants."
  - Most of these suspected terrorists are held in military prison in Guantanamo Bay, Cuba.
  - In 2006, the Supreme Court ruled in *Hamdan* v. *Rumsfeld* that only Congress could approve such military commissions, which it did with the Military Commissions Act of 2006.

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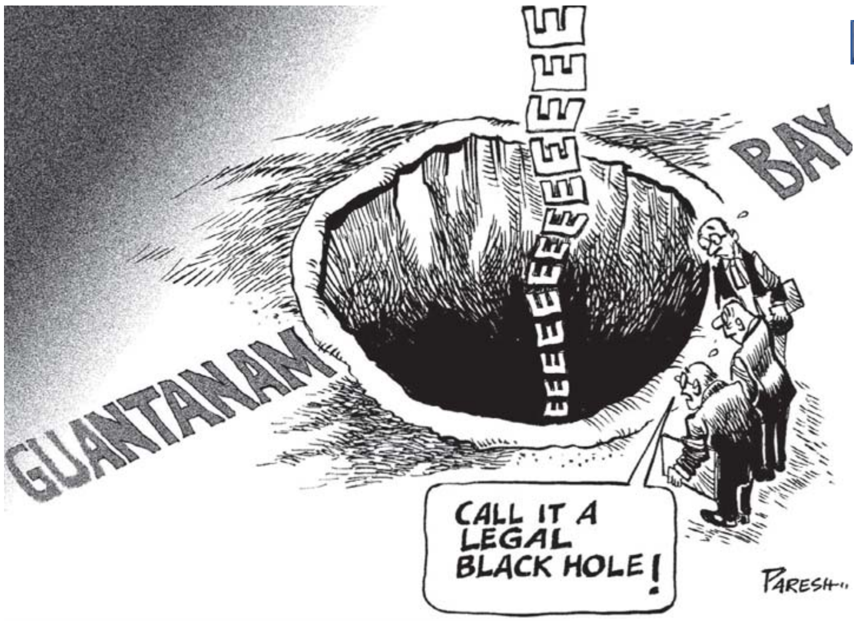
Military Tribunals

- **Military tribunals** have been established at various times in America's past - during the Mexican-American War, the Civil War, and World War II.
  - How do the bystanders in this cartoon view the military commissions at Guantanamo Bay?



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Court of Federal Claims

- Checkpoint: What types of cases does the Court of Federal Claims hear?
  - The United States government cannot be sued by anyone, for any reason, in any court, unless it agrees to be sued.
  - So, Congress created the **Court of Federal Claims** to allow people to sue the federal government for damages.

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Special Jurisdictions

- The **Territorial Courts** act as local courts for the U.S. territories of Guam, the Virgin Islands, and the Northern Mariana Islands.

- The **District of Columbia Courts** include the trial court and court of appeals for the District, as well as its federal district court and court of appeals.

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U.S. Tax Court

- Congress created the **United States Tax Court** in 1969 to hear civil cases involving the nation's tax laws.
  - The Tax Court is not part of the federal court system.
  - Most of its cases come from the Internal Revenue Service and other Treasury Department agencies.

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