

CHAPTER SUMMARY ★**The Federal Court System****★ POWERS OF THE FEDERAL COURTS** ★

Federal courts have jurisdiction, the authority to hear cases, over cases involving United States laws and agencies, treaties, or interpretations of the Constitution. They also try cases involving two or more states, bankruptcy, and maritime law. State courts have jurisdiction over state law cases. In a few instances federal and state courts have concurrent, or overlapping jurisdiction.

The court in which a suit is first heard is called a trial court. District courts are trial courts with

original jurisdiction over a case. A party in a suit may ask that the decision of the trial court be reviewed by an appeals court under its appellate jurisdiction. A party may also ask the Supreme Court to rule on the correctness of the decision that the appeals court makes.

During his years on the Court, Chief Justice John Marshall expanded the powers of the Supreme Court and of the federal government.

- In *Marbury v. Madison* (1803), Marshall established the principle of judicial review—the power of the Court to decide if actions taken by the other two branches of government are constitutional.
- In *McCulloch v. Maryland* (1819), the Marshall Court ruled that states could not hamper the exercise of legitimate national interests.
- The *Gibbons v. Ogden* decision (1824) defined the meaning of interstate commerce in broad terms that expanded congressional regulatory powers.

Historically, Supreme Court decisions have tended to reflect changing social conditions and the attitudes of the times.

- Between 1835 and the Civil War, Court rulings emphasized states' rights and the rights of citizens in an increasingly democratic society.
- The *Dred Scott v. Sandford* ruling (1857) damaged the reputation of the Court by declaring that enslaved African Americans could not be citizens and that Congress had no power to stop the spread of slavery.
- The *Plessy v. Ferguson* decision (1896) upheld segregation by declaring that "separate but equal" facilities were legal.
- Under Chief Justice Earl Warren (1953–1969), the Court emerged as a major force protecting civil liberties. For example, the *Brown v. Board of Education of Topeka* (1954) decision overturned the *Plessy* decision.
- Since then the Court has been more conservative but has not overturned any significant decisions of the Warren years.

★ LOWER FEDERAL COURTS ★

Article III of the Constitution gives Congress the authority to establish a network of lower courts. In 1789 Congress created one federal court district for each state. The number of districts has increased to 94 as the population has grown and the caseload

has multiplied. District courts hear hundreds of thousands of cases each year.

In a civil case the parties may ask that a judge or a three-judge panel, rather than a jury, decide the case. The courts use two types of juries in criminal

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CHAPTER 11 SUMMARY CONTINUED

LOWER FEDERAL COURTS (continued)

cases. A grand jury, usually 16 to 23 people, hears charges and decides if there is enough evidence to issue an indictment—a formal accusation charging a person with a crime. Following an indictment, a petit jury, usually either 6 or 12 people, weighs the evidence presented at trial and renders a verdict.

Congress created the appeals courts in 1891 to ease the appellate workload of the Supreme Court. Federal appeals courts hear nearly 55,000 cases a year, arising from decisions of trial courts and government regulatory agencies. A three-judge panel may decide to uphold the original decision, reverse it, or send the case back for retrial.

The Court of International Trade hears cases involving tariff issues.

In addition to these constitutional courts, Congress has created six legislative courts to help it exercise its constitutional powers.

The Constitution gives no particular qualifications for federal judges, but presidents often favor judges who belong to their own political parties. Because federal judges are appointed for life, judicial appointments are an opportunity for presidents to influence public policy after leaving office. Presidents customarily follow the practice of senatorial courtesy when appointing district judges. They request the approval of both senators from the nominee's home state before making the appointment. In recent years a number of women and minorities have been appointed to the bench.

Legislative Courts	Function
U.S. Claims Court	handles claims against the government for money damages
U.S. Tax Court	settles disputes involving payment of federal taxes
Court of Military Appeals	hears appeals of convictions under military law
Territorial Courts	act as district courts for United States territories
Courts of the District of Columbia	act as the court system for the nation's capital
Court of Veterans' Appeals	hears appeals of decisions involving veterans' claims
Foreign Intelligence Surveillance Court	secretly wiretaps people suspected of spying against the United States

[illegible]

The Supreme Court is the final authority on all questions of federal law. The vast majority of the cases it hears arise from appeals. The Court is not required to hear all cases presented and carefully decides which ones it will consider. It may review a decision made by a state supreme court if claims under federal law or the Constitution are involved, but it will rule only on the federal issue(s).

A chief justice and eight associate justices make up the Supreme Court. Their duties, which are not described in the Constitution, have developed from laws and through tradition. The justices have three

main tasks: (1) determining which cases the Court will hear; (2) deciding each case; and (3) explaining the decision in a written opinion. The chief justice has additional administrative duties. Modern justices employ “clerks,” young lawyers who assist them with legal research.

Most Supreme Court justices have served as state or federal court judges or have held other important court-related positions. In addition to party affiliation and judicial philosophy, presidents consider the following factors when making appointments:

- likelihood of Senate approval
- the recommendation of the American Bar Association (a national organization of lawyers)
- the support or opposition of major interest groups
- the opinions of current justices

Guided Reading Activity 11-1 ★ ★ ★ ★ ★ ★ ★ ★ ★ ★



Powers of the Federal Courts

★DIRECTIONS Use the information in your textbook to complete these sentences.

1. Federal courts derive their power from the _____ and _____ ; state courts derive their power from the _____ and _____ .
2. Federal courts have jurisdiction in cases that involve _____ .
3. If federal and state courts both have jurisdiction, they have _____ .
4. A trial court is said to have _____ .
5. A person who loses a case in a trial court may take the case to a court with _____ .
6. The _____ has both original and appellate jurisdiction.
7. The _____ cannot initiate action in a lawsuit.

★DIRECTIONS Use the information in your textbook to complete the chart.

POWERS OF THE SUPREME COURT	
Marbury v. Madison	
Fletcher v. Peck	
McCulloch v. Maryland	
Gibbons v. Ogden	
Dred Scott v. Sandford	
Plessy v. Ferguson	
Brown v. Board of Education of Topeka	

Guided Reading Activity 11-2



Lower Federal Courts

★DIRECTIONS Use the information in your textbook to complete this chart.

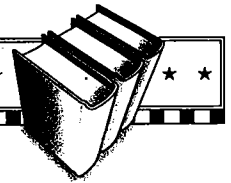
	FEDERAL DISTRICT COURTS	FEDERAL COURTS OF APPEALS
Who Hears the Cases		
Jurisdiction		
Number of Courts		

★DIRECTIONS Use the information in your textbook to complete these sentences.

- The _____ courts help Congress exercise its powers.
- In 1982 Congress established the _____ to handle claims against the U.S. for money damages.
- The Circuit Court of Appeals for the _____ hears appeals from the Claims Court.
- Cases come to the United States _____ Court from citizens who disagree with the Internal Revenue Service rulings about the federal taxes they must pay.
- The U. S. Court of Appeals for the _____ hears cases involving members of the military.
- _____ Courts handle cases in the Virgin Islands, Guam, the Northern Mariana Islands, and Puerto Rico.
- The president, with the advice and consent of the Senate, appoints all _____ judges.
- When President Kennedy was elected in 1960, the Democratic Congress immediately passed a new _____ bill creating 71 new positions for the president to fill.
- Because judges are appointed for life, presidents view judicial appointments as opportunities to perpetuate their political _____ after leaving the White House.
- Under the _____ practice, a president submits the name of a candidate for judicial appointment to the senators from the candidate's state before formally submitting it for full Senate approval.

Guided Reading Activity 11-3

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The Supreme Court

★DIRECTIONS Use the information in your textbook to match the items in Column A with those in Column B. Write the correct letter in the space provided.

Column A

- _____ 1. where the Supreme Court has final authority
- _____ 2. covered by the Supreme Court's original jurisdiction
- _____ 3. covered by the Supreme Court's appellate jurisdiction
- _____ 4. standard number of Supreme Court justices
- _____ 5. standard number of Supreme Court justices in charge of the federal judicial circuit
- _____ 6. reasons for removal of Supreme Court justices
- _____ 7. duties of Supreme Court justices
- _____ 8. duties of chief justices
- _____ 9. duties of law clerks
- _____ 10. backgrounds of Supreme Court justices

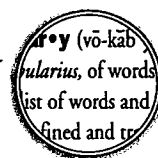
Column B

- A. treason, bribery, high crimes and misdemeanors
- B. a law degree; considerable legal experience; usually between the ages 40 and 60
- C. presiding over discussions of cases; exercising leadership; administering the court system
- D. cases involving representatives of foreign governments or in which a state is a party
- E. read appeals; help prepare the Court's opinion; write first drafts of Court opinions
- F. cases involving the Constitution, acts of Congress, or treaties
- G. choosing cases to hear; deciding cases
- H. cases from lower courts; cases in which an act of Congress was held unconstitutional; cases appealed from the highest state courts if claims under federal law or the Constitution are involved
- I. one for each court, although three justices serve two courts each
- J. nine

★DIRECTIONS Use the information in your textbook to explain the roles played by various groups in the selection of a Supreme Court justice. Give an example for each of the groups listed.

GROUPS THAT INFLUENCE THE SELECTION OF A JUSTICE		
The American Bar Association	Other Interest Groups	Justices

Vocabulary Activity 11



The Federal Court System

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DIRECTIONS Write terms from the list below that fit each description.

original jurisdiction	indictment	appellate jurisdiction	concurrent jurisdiction
riding the circuit	petit jury	judicial circuit	grand jury

- Three related terms: one refers to a federal or a state court's authority to hear a case involving citizens of different states in a dispute concerning at least \$50,000; one refers to the authority of the trial court in which a case is first heard; one refers to the authority of a court to hear a case whose trial court decision is being contested. _____
- Three related terms: one is a group of 16 to 23 people hearing charges against a person suspected of having committed a crime; one refers to the action taken by that group if they decide sufficient evidence exists to bring the person to trial; one is a group of 6 to 12 people gathered to weigh the evidence presented at a criminal or civil trial. _____
- Two related terms: one refers to 12 regions at the appellate level in the federal court system; one is a term coined in the 1800s when justices earned most of their pay traveling to hold court in their assigned regions of the country. _____

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

DIRECTIONS Select the term that answers each question below. Write the correct term in the space provided.

senatorial courtesy	litigant	opinion	due process clause
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- What term refers to someone who is engaged in a lawsuit? _____
- What term refers to the section of the Fourteenth Amendment saying no state may deprive any person of life, liberty, or property without legal cause? _____
- What term describes the system in which a president submits to the senator's state a candidate's name for judicial appointment before formally submitting it for full Senate approval? _____
- What term refers to an explanation of a Supreme Court decision? _____

Reteaching Activity



The Federal Court System

DIRECTIONS

Each main idea is related to the topic given. Complete the chart by writing the letter of the items that support each main idea.

Topic: The federal court system was developed to protect the rights of all United States citizens and to ensure the balance of power among the branches of government.

1. Main Idea:

The Constitution and federal law determine the jurisdiction of the federal courts.

Supporting Details: _____

2. Main Idea:

Until 1954 the Supreme Court refused to make rulings that would increase the rights of certain individuals; it was, however, willing to protect the individual consumer from big business.

Supporting Details: _____

3. Main Idea:

Constitutional courts help relieve the workload of the federal judiciary system.

Supporting Details: _____

4. Main Idea:

Article I of the Constitution granted specific powers to Congress; legislative courts allow Congress to enact these powers.

Supporting Details: _____

5. Main Idea:

As one of three coequal branches of the national government, the Supreme Court is the court of last resort in questions of federal law.

Supporting Details: _____

- A.** After the Civil War, the Court applied the Reconstruction amendments to economic policy rather than civil rights for African Americans.
- B.** Defendants may appeal to the Court only on constitutional issues.
- C.** Citizens who think tariffs are too high bring their cases to the Court of International Trade.
- D.** The federal court tries treaty cases, interprets the Constitution, and handles bankruptcy.
- E.** In 1873 the Court ruled for Louisiana in the *Slaughterhouse Cases*, which helped establish a "separate but equal" doctrine with the 1896 *Plessy v. Ferguson* ruling.
- F.** Citizens who disagree with Internal Revenue Service rulings may bring their cases to the Tax Court.
- G.** The courts of appeals hear nearly 55,000 cases annually.
- H.** The Court has original jurisdiction in cases where a state is one of the parties.
- I.** The federal courts hear cases involving foreign governments, state governments, and U.S. government agencies.
- J.** The U. S. Court of Appeals for the Armed Forces hears appeals from members of the military.
- K.** The Court may hear federal district court cases when an act of Congress is ruled unconstitutional.

CHAPTER SUMMARY Activity



The Federal Court System

DIRECTIONS Match each term in Column A with the statement that best applies to it in Column B. Write the correct letters in the spaces provided.

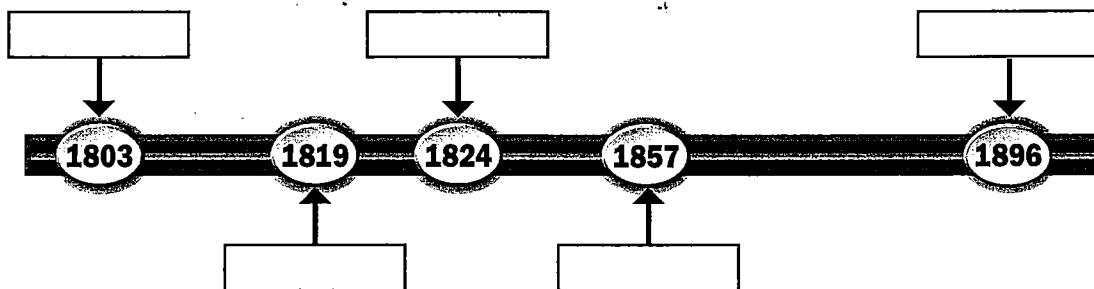
COLUMN A

- _____ 1. trial court
- _____ 2. appellate jurisdiction
- _____ 3. John Marshall
- _____ 4. Earl Warren
- _____ 5. legislative courts
- _____ 6. indictment
- _____ 7. grand jury
- _____ 8. petit jury
- _____ 9. Court of International Trade
- _____ 10. American Bar Association

COLUMN B

- A.** The national organization of lawyers that makes recommendations concerning prospective judges.
- B.** The body that weighs the evidence presented at a trial.
- C.** Congress created these courts to help it exercise its constitutional powers.
- D.** Under his leadership the Supreme Court issued many decisions that protected civil liberties.
- E.** The authority to review the decisions of a lower court.
- F.** The body that decides if there is enough evidence to issue an indictment.
- G.** A formal accusation charging a person with a crime.
- H.** The name given to a court in which a suit is first heard.
- I.** He expanded the powers of the Supreme Court and the federal government in the early 1800s.
- J.** The institution that hears cases on tariff issues.

Organizing Information Place the letter of each decision in the appropriate space provided on the time line.



- K.** *Plessy v. Ferguson* upholds the legality of "separate but equal" facilities.
- L.** *Dred Scott v. Sandford* rules that Congress cannot stop the spread of slavery.
- M.** *McCulloch v. Maryland* rules that national interests take precedence over state law.
- N.** *Gibbons v. Ogden* broadly defines "interstate commerce."
- O.** *Marbury v. Madison* establishes the principle of judicial review.

Critical Thinking On a separate sheet of paper, answer the following question.

- 11.** What reason do you think the Supreme Court might have for deciding not to hear a case over which it has jurisdiction?