

**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.

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.

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

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 Summarycontinued

### 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.

In addition to these constitutional courts, Congress has created 7 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

### ★ THE SUPREME COURT \*\*\*\*\*

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 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

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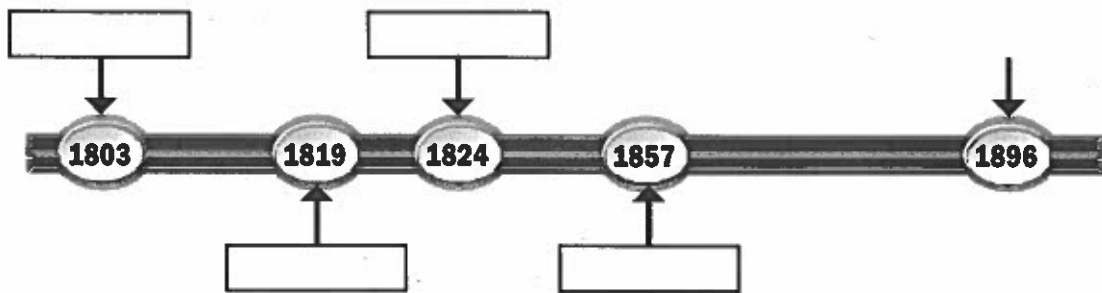
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## The Federal Court System

**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	Column B
_____ 1. trial court	A. The national organization of lawyers that makes recommendations concerning prospective judges.
_____ 2. appellate jurisdiction	B. The body that weighs the evidence presented at a trial.
_____ 3. John Marshall	C. Congress created these courts to help it exercise its constitutional powers.
_____ 4. Earl Warren	D. Under his leadership the Supreme Court issued many decisions that protected civil liberties.
_____ 5. legislative courts	E. The authority to review the decisions of a lower court.
_____ 6. indictment	F. The body that decides if there is enough evidence to issue an indictment.
_____ 7. grand jury	G. A formal accusation charging a person with a crime.
_____ 8. petit jury	H. The name given to a court in which a suit is first heard.
_____ 9. Court of International Trade	I. He expanded the powers of the Supreme Court and the federal government in the early 1800s.
_____ 10. American Bar Association	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?

# CHAPTER SUMMARY CHAPTER 12

## Supreme Court Decision Making

### ★ THE SUPREME COURT AT WORK

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When in session the Supreme Court sits for two consecutive weeks each month. The justices listen to arguments from opposing lawyers and discuss cases in conference. After each sitting the Court recesses and the justices:

- consider the arguments in cases they have heard;
- work on opinions—written statements that explain the legal principles and reasoning underlying Court decisions;
- study petitions from individuals asking that a case be heard.

Thousands of suits are appealed to the Supreme Court each year. A few more start there under original jurisdiction. Only 100 or so receive full hearings. Most cases that reach the Supreme Court on appeal fall into one of two categories:

- a lower federal court or the highest court in a state has found a law unconstitutional or has upheld a state law against a claim that it violates federal law or the Constitution
- a petitioner argues that a lower court made a legal error in a case or raises a serious constitutional issue.

The main route to the Court is by a writ of certiorari, a document ordering that the records on a case be sent up for review. The Court must grant certiorari in cases involving the constitutionality of a law. In other cases the justices may deny a petition because they think the issue is insignificant or they do not want to address it.

The selection of cases involves considerable discussion. Many of the cases accepted are simply sent back for reconsideration or decided by a per curiam opinion, a short, unsigned Court ruling. Major cases receive full consideration:

- Lawyers for each side submit briefs, written statements with the legal arguments, relevant facts, and precedents supporting their positions.
- Individuals, interest groups, and government agencies may submit amicus curiae, “friend of the court,” briefs supporting one side or the other.
- Lawyers for each side present oral arguments, 30-minute summaries of the key points in the case, and answer questions from the justices.
- The justices debate the case’s merits and vote.

- #### The Court Issues Four Kinds of Opinions
- a unanimous opinion on which all justices agree;
  - a majority opinion expressing legal views with which the majority of justices agree;
  - a concurring opinion in which one or more justices agree with the conclusion, but for different reasons than those of the majority;
  - a dissenting opinion in which one or more justices disagree with the majority’s decision.

### ★ SHAPING PUBLIC POLICY

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The Supreme Court uses three tools to influence national policy:

- Through **judicial review** the Court validates or cancels the laws and actions of government institutions at the local, state, and national levels. It has used this tool to overturn about 150 provisions of federal law and more than

- 1,000 local and state laws.
- Through its **interpretation of laws** the Court determines how policy will be carried out on a daily basis in all parts of the nation.
- By **overturning earlier decisions** the Court adapts the law to changing circumstances and social values. It uses this tool with discretion

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## Chapter 12 Summarycontinued

### SHAPING PUBLIC POLICY *(continued)*

because laws must be consistent if people are to know what is expected of them. Stare decisis, Latin for “let the decision stand,” is a basic legal principle illustrating this point. In practice it means

that earlier Court rulings serve as precedents, or models, on which to base decisions in similar cases. The system places several limits on the Supreme Court’s influence:

- **Limits on Types of Issues:** The Court does not give equal attention to all areas of national policy. For example, it plays only a minor role in shaping foreign policy.
- **Limits on Types of Cases:** The Court considers only cases in which its decision will make a difference. It will not hear a case unless someone has suffered real harm such as denial of civil liberties or economic loss. It accepts only cases that involve a substantial federal question.
- **Limited Control over Agenda:** The Court may not initiate legal action. It can only decide on cases that are brought before it.
- **Lack of Enforcement Power:** The Court must rely on other government institutions to enforce its rulings.
- **Checks and Balances:** The other branches of government influence and check the Court’s power.

### ★ INFLUENCING COURT DECISIONS

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Five factors shape Supreme Court decisions:

- **Basing Decisions on the Law:** Justices must base their decisions on legal principles, not on their personal feelings. If the meaning of a statute or a constitutional provision is not clear, the justices must determine what it means and apply the meaning to the circumstances of the case. They do this by relating their interpretations to the Constitution, to other laws that are relevant, and to legal precedent.
- **Views of the Justices:** Most justices take consistent positions on certain kinds of issues. In recent years one group of justices has tended toward liberal positions on civil rights and economic issues. Another bloc has leaned toward conservative views on the same issues. At times like these a justice with less rigid views may become the swing, or deciding vote. When new justices with different views are appointed, the direction of the Court’s interpretations may change.
- **Relations Among the Justices:** Justices who work easily with one another are more likely to find mutually acceptable solutions even when their legal philosophies differ. Conversely, severe personal conflicts can cause divisiveness on the Court. The chief justice can influence the direction of the Court when presiding over oral arguments and conferences, shaping the list of cases to be heard, and deciding who will write specific opinions.
- **Social Forces and Public Attitudes:** Supreme Court decisions more often than not reflect contemporary social values and beliefs.
- **The President and the Congress:** Presidents exercise control over the Supreme Court through their power of appointment and by how aggressively the executive branch enforces decisions. Congress exercises control by passing new laws or reshaping nullified ones, by proposing constitutional amendments, by exercising its power to set justices’ salaries and the number of justices on the Court, and through the Senate’s confirmation power.

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## Supreme Court Decision Making

★ **DIRECTIONS** In the space provided, write the word or phrase that best completes each of the following sentences.

1. A \_\_\_\_\_ of certiorari orders the records on a case be sent up for review.
2. The Supreme Court must grant certiorari in cases involving the \_\_\_\_\_ of a law.
3. The Supreme Court decides many cases by a per curiam opinion—a \_\_\_\_\_, \_\_\_\_\_ ruling.
4. A \_\_\_\_\_ sets forth the legal arguments, relevant facts, and precedents.
5. Individuals, interest groups, and government agencies may submit amicus curiae, or “\_\_\_\_\_ of the court” briefs.
6. A \_\_\_\_\_ opinion agrees with the conclusion reached but for reasons other than those in the majority opinion.
7. One or more justices may write a \_\_\_\_\_ opinion, disagreeing with the majority.
8. Under the principle of stare decisis, earlier Court rulings serve as \_\_\_\_\_.
9. The Supreme Court accepts only cases that involve a substantial \_\_\_\_\_ question.
10. The Supreme Court will hear only cases in which an individual or group has suffered real \_\_\_\_\_.

**Organizing Information** Write an explanation of how each factor helps shape Supreme Court decisions.

Factor	How It Influences Supreme Court Decisions
Basing Decisions on the Law	
Views of the Justices	
Relations Among the Justices	
Social Forces and Public Attitudes	
The President and the Congress	

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**Critical Thinking** Answer the following question on a separate sheet of paper.

11. How can a president use the power of appointment to influence the direction of Supreme Court decisions?