

★ ★ ★ ★ **LESSON 5** ★ ★ ★ ★
The Court System

The framers, many of them lawyers themselves, had a special interest in and respect for the law, especially the English system of common law. English **common law** is based on two important ideas. The first is that every person's rights and liberties deserve legal protection. The second is the idea that judges' decisions can have as much weight as laws passed by Congress. These decisions are based on social customs, past rulings in similar cases, and the judge's ideas about the meaning of laws. In **Article III**, the framers created a judicial branch that reflects both these ideas.

Section 1 creates the Supreme Court and gives Congress the power to create other federal courts. **Section 2** describes the judicial branch's power and guarantees the right to a jury trial. **Section 3** deals with the special crime of treason. As the third side of the federal triangle, the framers hoped, the judicial branch would "balance and check" the power of Congress and the President. Today, through custom and practice, these hopes have been fulfilled.



ARTICLE III



SECTION 1: The Judicial Branch

Because the Articles of Confederation were basically concerned with states' rights, they did not create a national system of courts. Instead, legal cases were tried in state courts. Congress could only appoint special courts to deal with disputes between states.

Delegates at Philadelphia soon agreed that a national judiciary or court system was needed. Article III created a supreme national court, with the power to make final judgments on all cases it considered. Congress has the power to establish **inferior courts**, courts that have less power than the Supreme Court.

In 1789, Congress passed the **Judiciary Act**, creating a system of federal courts below the Supreme Court. Each state has at least one **U.S. District Court**. If someone wants to challenge a District Court ruling, they can turn to one of thirteen **U.S. Courts of Appeals** before they approach the Supreme Court. In addition, Congress has created other courts.

Federal judges are appointed for life and can only be removed by their death, resignation, or impeachment. In addition, the salary of federal judges cannot be reduced during their time in office. The goal here was to free judges to make their best decisions, without worrying that they might be punished for making unpopular decisions.

SECTION 1

The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

SECTION 2

1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers and consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party;—to controversies between two or more states;—~~between a state and citizens of another state;—between citizens of different states, —between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.~~

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

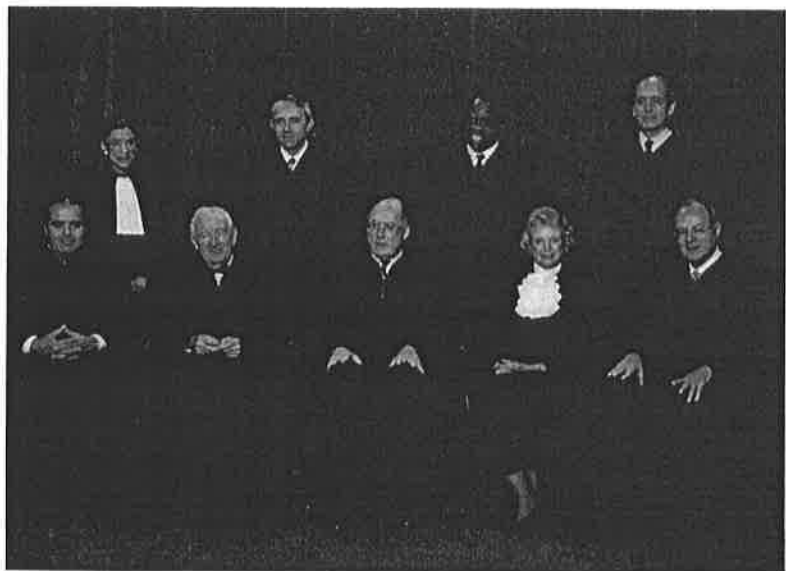
SECTION 2: Authority of the Federal Courts

1. *Judicial power.* Federal courts have the jurisdiction, or authority, to hear cases that involve the Constitution, federal laws, or any agreements made by the federal government, such as treaties. Federal courts also hear cases that involve ambassadors, shipping, or disputes between different states. Suits brought by citizens or states against another country are also heard by federal courts. **Amendment 11** struck down the provision that federal courts would deal with suits between states or citizens against another state.

2. *The Supreme Court.* If a court has **original jurisdiction**, it is the first court to hear a case. The Supreme Court only has original jurisdiction for cases involving foreign diplomats or a state. Most Supreme Court cases, though, involve the appeal, or review, of decisions made by lower courts. In reviewing a decision, the Supreme Court justices go back over the facts of the case and decide what the law means. They then vote to either uphold or reverse the decision of the lower courts.

This process, called **judicial review**, lets federal courts decide whether court decisions and, more importantly, laws are in keeping with the basic intent of the Constitution. If not, the courts can declare the law **void**, or no longer in effect.

The Constitution does not specifically mention judicial review. In the debates for ratification, however, supporters argued that such a review would be important to any system of checks and balances. In the last 200 years, only a few federal laws have been declared unconstitutional, but over a thousand state and local laws have been declared void.



The nine justices of the Supreme Court review decisions of other courts through the process of judicial review.

3. *Trial by jury.* Any person accused of a crime must be offered a jury trial. If the crime is supposed to have been committed in a specific state, the trial will be held there. If the crime occurred in more than one state or in a territory, Congress can pass laws to say where such trials will be held. The only exception are impeachments, which are tried by the Senate.

This clause did not satisfy the opponents of the Constitution. Although it seems clear enough today, in practice it did not cover some cases. When the Bill of Rights was introduced, the Anti-Federalists insisted that the right to trial be made more specific. **Amendments 6 and 7** do this.

SECTION 3: Treason

1. *Definition.* Before the Revolution, the framers had seen the English use charges of treason to benefit the Crown. Many countries, they knew, commonly defined treason as anything *said* against the government. Because they wanted citizens to be free to question their government, the framers were careful to define **treason** as only making war against the United States or helping its enemies. Some constitutional opponents thought this protection did not go far enough, though. The result was the **First Amendment** protection of free speech.

The framers were also concerned that individuals might be falsely accused of treason. Thus, they added safeguards concerning the evidence needed to convict someone of treason. The testimony of one person is not enough, since that person might be acting out of spite. Either the suspect must confess in court or two people must testify they witnessed the same act of treason.

The first treason case under the Constitution was tried in 1806. The case, argued before the Supreme Court, allowed the Court to interpret the Constitution's definition of treason.

2. *Punishment for treason.* Congress can set the punishment for someone convicted of treason. In 1790, for example, Congress passed a law saying the punishment for treason would be death. Then, in 1861, the Civil War broke out. Millions of Southerners were openly levying war against the United States. To punish so many acts of treason by death was clearly impractical and harmful to the nation's survival. Congress then passed new laws to impose fines and prison terms for traitors during civil insurrections. This shows how the general wording of the Constitution allows the nation's leaders to adapt to changing circumstances.

In other countries, a conviction for treason was said to "corrupt the blood," meaning that the traitor's family and future generations could also be punished. Under the Constitution, only the traitor can be punished and forced to give up honors, military awards, and possessions received as payment for spying.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

SECTION 3

1. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attained.