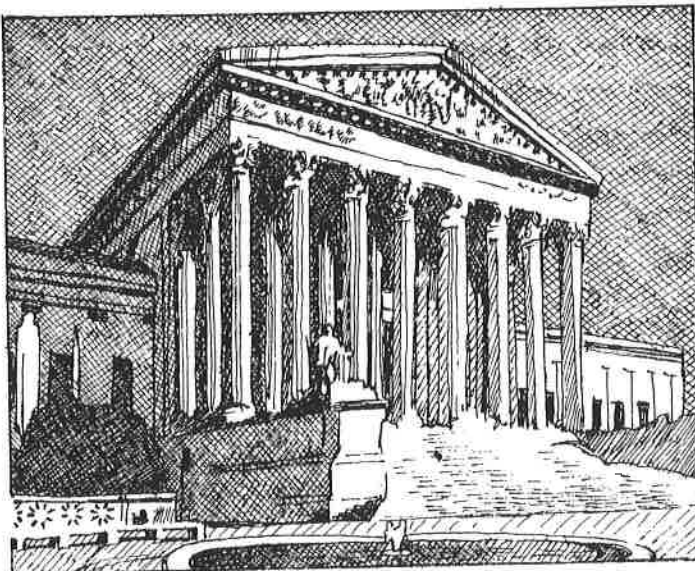


ARTICLE III—JUDICIAL DEPARTMENT

The men who wrote our Constitution outlined and defined the powers and duties of our court system in Article 3. Although only the most powerful court—the Supreme Court—is clearly named, provision was made for lower courts to be created as needed by Congress and to empower Congress to also determine which cases are to be heard by the various courts within the framework of the judicial system. The main purpose of our courts is to decide how to settle issues when two parties are opposed to each other. The normal procedure is for a judge or jury to hear the arguments and evidence of both sides and then decide which is right, based on the law. Once that decision is made, the court then decides how the case is to be settled, whether it be ordering one party to pay money to the other, or in the case of criminal cases, deciding the penalty to be paid. Finally, our courts serve as the vehicle for interpreting our laws. This task is mainly done by the Supreme Court with the lower courts following their precedents.

Article 3, 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.



The Court System

The power to make decisions in court cases shall be given to the Supreme Court and to lower courts established by Congress. The judges who oversee these courts shall hold office for life unless found guilty of misconduct. Their salaries cannot be lowered while they are in office. *In this paragraph Congress was given the power to establish lower courts as needed. Since that time Congress has indeed eliminated those courts no longer needed and created new ones whenever necessary. The Supreme Court is the most important court and rules over all other courts. Beneath it lie the 11 circuit courts of appeal; and beneath them are found the 90 district courts, which is where a case involving federal law begins. There are also other special courts created by Congress to deal with specific types of cases.*



The Power of Federal Courts

Article 3, Section 2, clause 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.



The power of the federal courts extends to all cases involving the Constitution, the laws of the United States and treaties made with foreign countries. In addition federal courts cover:

. . . all cases involving ambassadors of foreign countries

. . . cases involving ships

. . . cases in which the U.S. government is one of the parties involved

. . . cases where one of the states and citizens of another state are involved

. . . cases between citizens of different states

. . . cases involving disputes over grants of land

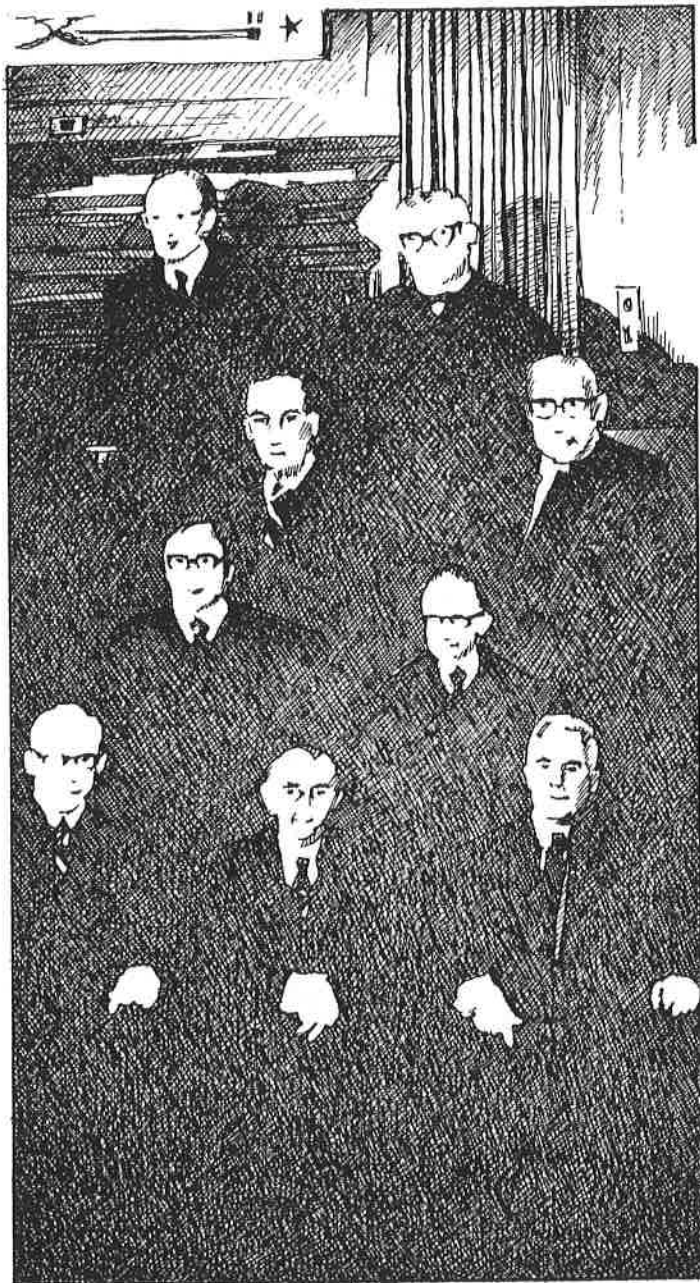
. . . cases where one of the states and a foreign country or its citizens are the parties involved

. . . cases where an American citizen and a foreign country or its citizens are the parties involved

The 11th Amendment removed the power of federal courts from hearing cases between a state and the citizens of another state. Also, while this paragraph gives federal courts the power to hear cases involving the Constitution, it doesn't clearly define what has come to be known as judicial review, i.e., the power to determine whether or not a law made by Congress falls within the framework of the Constitution. This power is one of the checks used by the judicial department over both the legislative and executive branches of our government.



Article 3, Section 2, clause 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 the 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.



Cases Heard by the Supreme Court

In cases involving foreign ambassadors or states, the Supreme Court has original jurisdiction. Original jurisdiction is defined as the right to hear a case for the first time and make a decision. In all other cases brought before the Supreme Court, it has appellate jurisdiction. Appellate jurisdiction is defined as reviewing a case that has already been heard in a lower court. Congress shall decide the types of cases that can be appealed. *Most federal cases begin in the U.S. District Courts. These courts have only original jurisdiction. Decisions reached by these courts can be appealed to the U.S. Court of Appeals. At this level the case is reviewed to see if there were any mistakes made in the handling of the case in the District Court that could have affected the decision of the jury. This appellate court does not hear any new evidence. Its task is to review what took place in the District Court. The Supreme Court has both original and appellate jurisdiction. Most of its case load comes from appeals brought from the Court of Appeals, but the Supreme Court decides which cases it will review. If a case is appealed to the Supreme Court from the Appellate and the Supreme Court refuses to hear the case, then the Appellate Court's decision is final. If the Supreme Court does choose to hear the case, then its decision becomes final. There are no appeals beyond the Supreme Court. The Supreme Court must be selective in the cases it hears because it could not possibly review all the cases that are appealed to it. The court chooses various kinds of cases involving points of law that need clarification and interpretation. Their decisions then serve as landmarks in lower courts who can refer to the decision of the Supreme Court in future similar cases.*

Trial by Jury

Article 3, Section 2, clause 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.

Anyone accused of committing a crime has a right to a trial by jury, and that trial must be held in the state where the crime was committed. If the crime did not take place in any state, then Congress shall decide where the case will be heard.

Treason

Article 3, Section 3, clause 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.

Treason is defined in the Constitution as levying war against the United States or helping its enemies. No one can be convicted of treason unless at least two witnesses to the act testify against him in court or if the accused confesses to the deed in open court.

Punishment for Treason

Article 3, Section 3, clause 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 attainted.

Congress shall determine the punishment for treason, but the punishment must not extend to the guilty person's relatives. No corruption of blood means that the family members of the guilty must not suffer for his deeds, nor can they have their property taken away.

