

Chapter 18: The Federal Court System

Section 4

Lecture Notes

AMERICAN GOVERNMENT

PEARSON

► Objectives

1. Contrast the jurisdiction of the Court of Appeals for the Armed Forces and the Court of Appeals for Veterans Claims.
2. Explain how a citizen can sue the United States government in the Court of Federal Claims.
3. Examine the roles of the territorial courts and those of the District of Columbia Courts.
4. Explain what types of cases are brought to the Tax Court.

▶ Key Terms

- **courts-martial:** military courts that serve the special needs of the armed forces and are not part of the federal court system
- **civilian tribunal:** a court belonging to the judicial branch, separate from the military courts
- **redress:** satisfaction of a legal claim, such as payment for damages

► Introduction

- What are the special courts, and what are the jurisdictions of each?
 - The **Military and Veterans Claims Courts** deal with the armed forces.
 - The **Court of Federal Claims** deals with legal claims made against the federal government.
 - The **Territorial Courts** act as local courts for federal territories.
 - The **District of Columbia Courts** act as federal and local courts for the District of Columbia.
 - The **United States Tax Court** hears civil cases involving the nation's tax laws.

► 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.

▶ 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.

▶ Courts-Martial, cont.

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



▶ Military Courts of Appeal

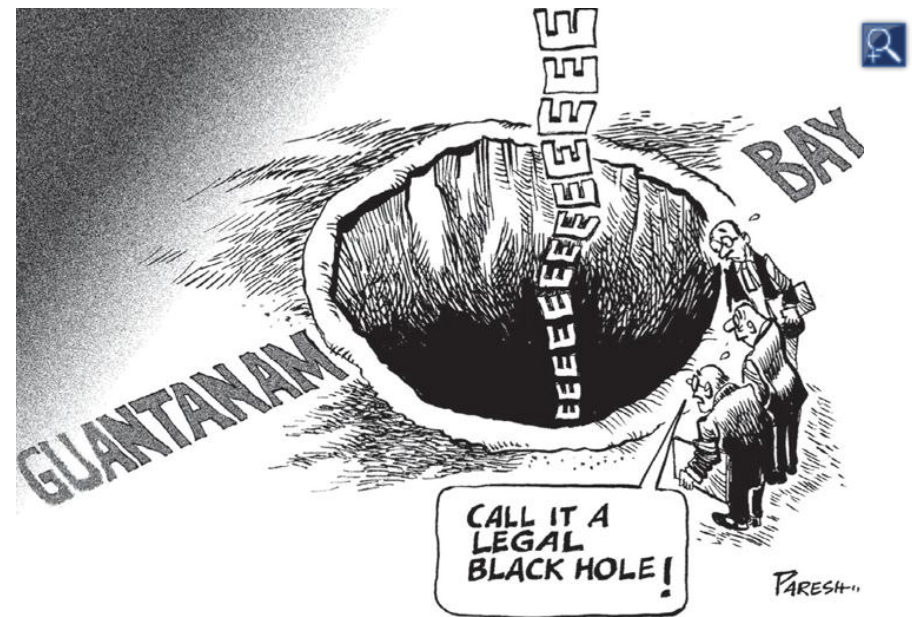
- Congress created the **Court of Appeals for the Armed Forces** in 1950 to review serious convictions of military personnel.
 - This is a civilian court that hears appeals of military court rulings.
- Congress established the **Court of Appeals for Veterans** in 1988 to hear appeals of decisions about veterans' benefits made by the Department of Veterans Affairs.

▶ 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.

▶ 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?



▶ 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.

▶ 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.

▶ 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.

► Review

- Now that you have learned about the special courts and their jurisdiction, go back and answer the Chapter Essential Question.
 - Does the structure of the federal court system allow it to administer justice effectively?