John Doe in a U.S. Court

You've probably seen the "wanted" signs, the mug shots, and the fingerprints on your post office bulletin board. But where do they fit into the U.S. system of government?

They all have to do with the third branch of government created by the Constitution — the federal judiciary.

**What is a Federal Case?**

The Constitution describes the Judicial Branch in very few words. (See Article III of the Constitution.) It mentions a "Supreme Court" and "inferior courts." It doesn't say how many judges there shall be on any court. It doesn't even say how many courts there shall be. It leaves these matters for Congress to decide.

Article III says that people accused of breaking a federal law have a right to trial by jury. And it lists the kinds of cases that may be brought to U.S. courts for trial. Federal courts, it says, shall handle cases involving certain types of people. Such people include:

* ambassadors from foreign governments;
* ship crews and passengers involved in incidents at sea;
* immigrants to the U.S. who are trying to keep from being deported;
* officials and employees of the U.S. government charged with official misconduct;
* officials of a state government who complain about the actions of the U.S. government;
* citizens of one state who claim to be harmed by citizens of another state;
* tourists from foreign countries;
* people who have suffered injury while on property belonging to the U.S. government;
* citizens who complain of being unjustly treated by the U.S. government and U.S. laws.

There are many types of people left off this list. What happens, for example, if a neighbor's car rams into the side of your car? Your insurance company would take the case to a state court, not a federal court.

There are two kinds of courts in this country: (a) those run by the U.S. government and (b) those run by the state governments. The U.S. government usually lets the state courts settle problems such as car accidents that occur within state boundaries. However, if your car is hit by the car of a Japanese tourist, the case goes to federal court.

The most important part of Article III has not yet been mentioned. It reads: "The judicial power shall extend to all cases . . . arising under the Constitution, the laws of the United States, and treaties made . . . under their authority." This is the clause that allows the U.S. government to arrest John Doe and other persons suspected of breaking federal laws.

**Seven Steps in the System of Justice**

Why do we need courts of any kind? What is their purpose? We need them mainly because people often hurt each other in a number of ways: injuring their bodies, their minds, their property, and their reputations. And there needs to be a fair way to decide who did what to whom, and what shall be done about it.

* First, there is the law itself. All U.S. laws, as passed by Congress, are contained in a set of thick books called the U.S. Code (abbreviated "USC"). These books sit on every lawyer's bookshelf as surely as a dictionary sits on an English teacher's desk.

In one of these books, you will find an act of Congress passed in 1909. It reads: "Whoever forcibly breaks into or attempts to break into any post office, or any building used in whole or in part as a post office with intent to commit in such post office, or building or part thereof, so used, any larceny . . . shall be fined not more than $1,000 or imprisoned for not more than five years, or both."

* Someone breaks into a post office late at night in a town near Pittsburgh, Pennsylvania. Call this the "offense."
* The burglary is discovered the next morning and the search begins for the lawbreaker.

The Federal Bureau of Investigation (FBI) does most of the detective work for the U.S. government. But the U.S. Postal Service has its own agents and inspectors. The postal inspector for the Pittsburgh area finds clues that lead to the arrest of John Doe, an unemployed steelworker.

* Is there enough evidence to hold John Doe for trial? This is a question for a federal grand jury. The clerk in the U.S. court in Pittsburgh asks 23 citizens to act as a grand jury in this case.

A U.S. district attorney then tries to persuade this jury that the government has enough evidence against John Doe to put him on trial. The district attorney does not work for a judge or for the Judicial Branch. Instead, he or she is employed by the Justice Department of the Executive Branch.

Suppose, in this case, the U.S. district attorney wins the argument. A majority of the grand jury agree that the evidence against John Doe is strong enough. Doe now stands accused or "indicted" for breaking a federal law. But he has not yet been proven guilty of breaking the law.

* The accused person has a right to trial by a jury of 12 fellow citizens. Or he can be tried by a judge without a jury. John Doe and his lawyer agree that he will probably have a better chance of being found not guilty in a jury trial. So the trial is held.

Again the U.S. district attorney questions witnesses, presents evidence, and argues the case against John Doe. His case must be even stronger now than during the indictment stage. At that time, he had to convince the grand jurors only that the "weight of evidence" seemed to run against Doe. Now, in the trial stage, he must try to prove that Doe is guilty "beyond a reasonable doubt."

Again, the district attorney wins the case. The jury decides that Doe is guilty of the burglary.

* The judge announces the penalty: three years in jail with a chance of parole in 18 months. This is where most cases stop. But in the case of John Doe, his lawyer decides to go one step farther.
* The lawyer tells John Doe: "That was an unfair trial. I think the judge was wrong in some of the instructions he gave to the jury. I'm going to appeal your case to a higher court. And we'll win next time, I promise you."

The lawyer argues the appeal before three judges who sit on a higher court — one of 13 courts called the U.S. Courts of Appeal (or Circuit Courts). He loses again and takes the case to the U.S. Supreme Court in Washington, D.C.

But before learning the rest of the story, you should realize that while many cases in the federal courts are like John Doe's, many more cases are not like his.

**The Difference Between Criminal Cases and Civil Cases**

The burglary of a post office is a crime. It is a purposeful attempt to break the written laws of society. You may be sent to jail for committing a crime. You cannot be sent to jail in something called a "civil case."

A civil case may begin simply by your shouting at a friend in the presence of other people, "You're a liar!" Your friend may then sue you for hurting his or her reputation.

Another civil case might begin if you're late paying back a bank loan. To recover the money, the bank's lawyers may take you to court.

There are usually fewer steps in a civil case than in a criminal case.

There is no arrest in a civil case and no indictment by a grand jury. There is, however, a trial by either a judge alone, or by a judge and a jury. Witnesses are called; evidence is presented.

In a civil case, there is no verdict of guilty or not guilty. Instead, there is a verdict in favor of the plaintiff or the defendant.

There is neither a prison sentence nor a fine if their verdict goes against the defendant. Instead, the defendant is usually required to pay money to the plaintiff for the damages (harm) done.

For calling your friend a liar, the court may order you to pay several thousand dollars, several hundred dollars, or nothing at all. If you're unhappy with the settlement, you may appeal the case to a higher court.

Of course, there are easier and less costly ways to settle conflicts than going to court over them. A simple apology often soothes hurt feelings. But there are times when people have trouble agreeing about who owes what to whom. In some cases, simple courtesy and politeness do not help much. Then, people ask their lawyers to take their problems to court.

In the federal courts, civil cases outnumber criminal cases by more than two to one. The number of civil cases is so large the courts cannot keep up with them. In 1987 lawyers brought 238,982 civil disputes into district courts. Only 8 percent came to trial in the same year. The others had to wait for another year or two to be settled.

The federal judges in the appeals courts have an even more difficult task keeping up with all the work.

**John Doe and the Appeals Courts**

The U.S. court system has three levels. In the lowest level are the district courts. Next are the U.S. Courts of Appeals, or U.S. Circuit Courts. Finally at the top is the U.S. Supreme Court.

Most cases begin and end in the district courts. These are located throughout the country in different zones or districts. For example, John Doe was accused of breaking into a post office in a town outside Pittsburgh. His trial therefore took place in the federal district court in Pittsburgh.

There is another district court in the middle of Pennsylvania and a third district court for eastern Pennsylvania. A fourth district court serves all of Delaware and a fifth serves all of New Jersey.

These five district courts belong to one judicial group of "circuit." The work of the federal judges in the district courts may be overruled by another group of judges — the "circuit judges." These are the judges of the U.S. Circuit Courts.

These more powerful circuit judges travel around the five districts in their charge. They may either accept or reject a lawyer's appeal to give a case a second hearing. On a single day, a group of three circuit judges may hear the appeal of John Doe's lawyer from Pittsburgh and another appeal about a civil case in Delaware. For each case, they decide whether the district court judge was right or wrong.

But the judgment of circuit judges may also be appealed to an even higher court. The United States Supreme Court is known as the last court of appeal. It has the power to overrule the decisions of all 94 district courts in the country and all 13 appeals courts.

The United States Supreme Court is also at the top of the state court system. Just as in the federal court system, cases tried in the state courts can be appealed through several levels. Cases not resolved in the highest level of the state court system can be appealed to the U.S. Supreme Court.

The John Doe story could of course end either happily or unhappily for him. Do you think Doe's lawyer should win or lose his appeal?

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