

EXIT

*Equal Justice
Under Law*

**JUDICIAL LEARNING CENTER
EASTERN DISTRICT OF MISSOURI
HONORABLE E. RICHARD WEBBER**

FEDERAL COURTS IN THE NEWS



The Rule of Law:

Today and Tomorrow

I hope ever to see America among
the foremost nations of justice.
— George Washington

America is a continually adapting democracy. We have
written laws. However, these laws often must be applied
to circumstances that could not have been anticipated.

Each case you hear about in the news challenges a judge
somewhere to decide how best to uphold the rule of law.
Explore the pressing issues of today and consider how
they will affect you and the world around you.



THE THREE BRANCHES OF GOVERNMENT

A Balancing Act

Multiple powers are given to each branch of government. This is called a system of checks and balances. It is designed to prevent any one branch from becoming too powerful. Each branch has the ability to limit the powers of the other branches. This is done through a system of checks and balances. For example, the President can veto laws passed by Congress, but Congress can override a veto with a two-thirds majority. The Supreme Court can declare laws passed by Congress unconstitutional, but Congress can change the Court's composition by appointing new Justices.



The Three Branches

- 1. The Executive Branch is headed by the President.
- 2. The Executive Branch is responsible for enforcing the laws.
- 3. The Executive Branch includes the Vice President and the Cabinet.
- 4. The Executive Branch is the largest branch of government.
- 5. The Executive Branch is the most visible branch of government.
- 6. The Executive Branch is the most powerful branch of government.
- 7. The Executive Branch is the most important branch of government.
- 8. The Executive Branch is the most influential branch of government.

POPULAR PERSPECTIVES



Interactive Panel

Interactive panel with several buttons and a small display area.



For the years
we allowed the
rights for women,
ns, and other
ights were not
the Constitution
rafted.

Independent, but not Completely Independent

Independent judges protect our rights every day, but it is also important to protect the people from a court that is too powerful. With complete independence, judges could throw people in jail or change laws on a whim.

The Constitution gives judges the power to do their jobs, but it also sets out ways to prevent them from abusing that power. This ensures that independent courts and judges remain faithful to the rule of law.



For the People: Protecting Judicial Independence

We want our judges to have the independence they need to make fair decisions. But how can we ensure they do not get caught up in political or personal corruption?

We have several safeguards to protect federal court decisions from being influenced by those in power. Federal judges cannot be fired, or punished with a reduction in salary. This job security allows judges to decide each case strictly in terms of the legal issues, no matter how unpopular their decisions may be.



Reasons for Independence

In some countries people can be jailed for little reason, such as demonstrating against the government. These people may never be given the opportunity to defend themselves in court.



Article III Section 2

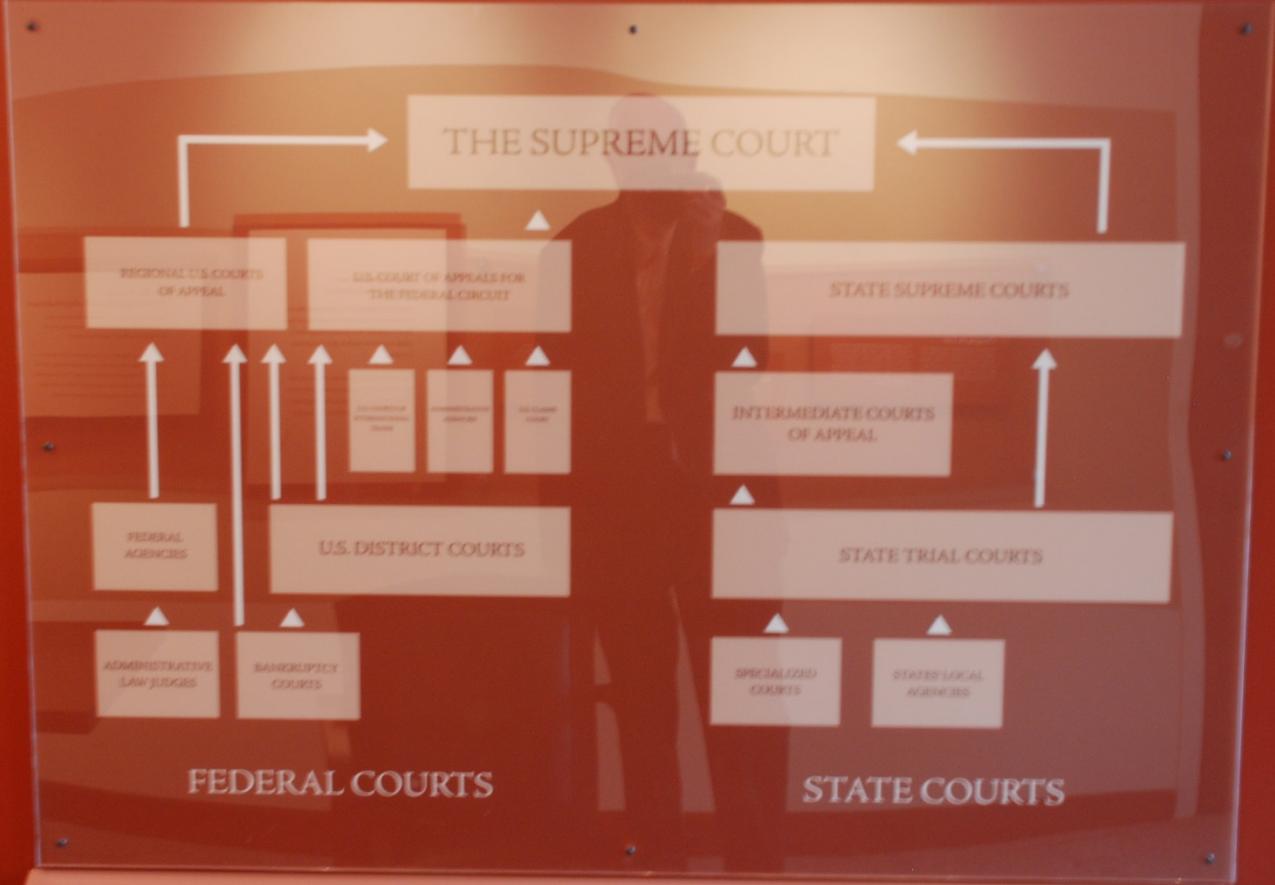
Article III, Section 2 of the United States Constitution

The judicial Power shall extend to all Cases of Law and Equity arising under the 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 States of the same Rank; between a State and the Citizens thereof; and between a State or Citizens thereof, and foreign States, Citizens or Subjects.



Bill of Rights

Congress OF THE United States



The Road to the Supreme Court

American courts are divided into two systems: state and federal. State courts handle most disputes. Federal courts only hear appeals from state courts and those directly under federal laws. The Supreme Court is the final word on the law, hearing cases from both state and federal courts.

The path to the Supreme Court is long and complex, and most cases never make it that far. Often a failure to win one appeal will mean a case could take to get to the highest court in the land.

A tenant decides he wants to sue his landlord.

Illinois files suit against Missouri, claiming ownership of an island in the Mississippi River.

A woman cannot repay her debts and needs to file for bankruptcy.

A man is accused of robbing a federally insured bank.

Two people are getting divorced and have a dispute over the custody of their children.

A minor is accused of stealing a car.

Shared Responsibilities: State and Federal Courts

You must first enable the government to control the governed; and in the next place oblige it to control itself.

— James Madison

Have you ever wondered why we have state and federal courts? The framers of our Constitution wanted the federal government to have only limited power. Therefore, they limited the kinds of cases federal courts can decide.

Most laws that affect us are passed by state governments. Likewise, state courts handle most disputes that govern our daily lives. But federal courts also serve an important role. They defend many of our most basic rights, such as freedom of speech and equal protection under the law.

Federalism: The Founding Argument

Before our current Constitution was written, we had no national court system. Each state had its own laws and its own courts. There was no way to guarantee that all U.S. citizens would receive equal justice.

To deal with this problem, the writers of the Constitution created a federal judicial branch. However, convincing the states to agree and ratify the Constitution turned out to be a very difficult task. The fierce debate which ensued over the federal system became one of America's founding arguments.





EXIT

Leave Your Thoughts

In this democracy every man and woman
is taught to think for himself or herself.

— Abraham Lincoln

Freedom of speech is one of the rights we
have under our Constitution. Your ability
to express your views is a right that
cannot be taken away from you. It is a
right that affects you and your neighbors in
many ways. It is a right that is essential to
our democracy.

In a democracy your voice matters. Please
leave your thoughts down here at the
Public Learning Center.









YOU BE THE JUDGE

Interpreting the Law
In the courtroom, the judge is not on anybody's side. She interprets the rights of both parties. The judge's job is to interpret the law or not but her reasoning matters in each case.

Answer the following questions to see how much you know about interpreting the law.

- | | | |
|----|----|-----|
| 1. | Do | Yes |
| 2. | Do | Yes |
| 3. | Do | Yes |
| 4. | Do | Yes |

1. Is the judge, in your opinion, to interpret the law because you feel?
2. Do laws exist here to interpret? Can he write a law? Is a judge not the one to put laws in place?
3. Do laws exist here to interpret? Can he write a law? Is a judge not the one to put laws in place?
4. Do laws exist here to interpret? Can he write a law? Is a judge not the one to put laws in place?



YOU BE THE JUDGE

- | | | |
|----|----|-----|
| 1. | Do | Yes |
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YOU BE THE JUDGE

- | | | |
|----|----|-----|
| 1. | Do | Yes |
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Bruton v. United States

1. Who was the defendant in this case?
2. Why do you think the confession could not be used against Bruton in the first place?
3. Why do you think the Supreme Court decided to hear the case?
4. What part of the Constitution was involved?
5. If you were a Supreme Court Justice, would you let Bruton have a new trial?
6. How did this decision uphold the rule of law?

George Bruton and William Evans were accused of robbing a post office in St. Louis. A postal inspector claimed to hear Evans confess that Bruton and he committed the crime. Neither Bruton nor Evans testified in court. The judge allowed the inspector to testify, but told the jury only to consider it as evidence against Evans, not Bruton. The jury found both men guilty.

Even though the judge instructed the jury not to consider the confession as evidence against Bruton, he felt it may have affected their decision. Bruton appealed his case and it went all the way to the Supreme Court.

*Answer the questions
to the left regarding this real
Supreme Court Case!*

Flip to reveal
the answers



Flip to reveal
the answers



The Witnesses

Witnesses give testimony about the facts or issues in the case that are in dispute. There are two different kinds of witnesses:

1. Fact witnesses know something about what happened. These may include someone who saw a robbery or the detective who investigated the case.
2. Expert witnesses have special knowledge that relates to the subject matter of the case. These may include people like doctors or forensic scientists.

The Lawyers

Lawyers try to bring out the facts that put their client's case in the most favorable light, within the boundaries of strict legal procedures and ethics.

In civil cases, both parties must hire their own lawyers or represent themselves. In criminal cases, the government's lawyer is called the prosecutor. The defendant, or accused person, can be represented by a court appointed lawyer at no cost, hire a private attorney, or defend herself in court.

We have public defenders so that everyone accused of a crime is guaranteed a lawyer, from the richest people in society to the poorest.

The Parties

Parties are the people directly involved in the case. In a civil case, the plaintiff is the person who filed the suit. The defendant is the person being sued. So, the plaintiff claims to have been harmed by the defendant.

In a criminal case, the defendant is the one accused of a crime. The prosecution is trying to prove that the accused person committed the crime.

Can You Serve on a Jury?

- Are you:
- A U.S. citizen over the age of 18?
 - A resident of the judicial district?
 - Have you lived there for a year?
 - Able to speak, read, and write English?
 - Free of mental and physical infirmities that would render you incapable of serving?
 - Free of felony convictions or pending felony charges?
- If you answered yes to all of these questions, then you could serve on a federal jury!

Innocent Unless Proven Guilty

If all 12 jurors in a criminal case cannot agree, it is called a hung jury. When this happens the government's lawyer decides whether or not to try again with a new jury.

A person accused of a crime cannot go to jail unless all 12 people are convinced of his guilt beyond a reasonable doubt. This system protects innocent people from going to jail.

The Jury

Trial by jury was considered a basic right by the Framers of our Constitution. The jury's role is to decide the facts and apply the law as explained to them by the judge. When different accounts are given, they try to figure out what really happened.

In federal civil cases there are 6 to 12 jurors.
In criminal cases there are always 12.

How does someone become a federal judge?

Most federal judges used to be chosen through a process with judges in state courts or other federal courts. Some were government attorneys and a few were law professors.

Just the Supreme Court justices, federal district and trial judges are selected by the president and approved by the Senate.

The Judge

The judge oversees over a trial from the bench. She ensures the law is applied fairly and that your rights are protected by governing these important rules.

1. Maintain order and make sure everyone follows the rules.
2. Decide whether any of the evidence used by either party is illegal or improper.
3. In a civil trial, give instructions to the jury.
4. In a criminal trial, determine the facts and decide the case.
5. Sentence convicted criminals.
6. Order a trial judgment to end the dispute.



The Supreme Court

The Supreme Court is the highest court in the United States. It has the final say on what the laws of the country are and what the Constitution means. It also has the power to decide if a law is against the Constitution. The Supreme Court has nine Justices, one Chief Justice and eight Associate Justices. They are appointed by the President and confirmed by the Senate.

Courts of Appeals

Courts of Appeals are the second highest level of the federal court system. There are 13 Courts of Appeals, each covering a specific geographic area. They hear appeals from the District Courts and have the power to reverse or affirm the decisions of the District Courts. They also have the power to remand a case back to the District Court for further action.

District Courts

District Courts are the lowest level of the federal court system. There are 94 District Courts, each covering a specific geographic area. They hear cases involving federal laws and the Constitution. They also have the power to issue writs of habeas corpus and to review the actions of federal agencies. District Courts are also responsible for the administration of the federal bankruptcy courts.

The Federal Court System

When the Constitution was written, many feared that federal courts would threaten the independence of the states and the people. To combat this fear the framers set up a federal court system that can only hear cases in special circumstances. All other cases automatically go to state court.

Congress has set up a federal court system with three levels.



The Supreme Court

The Supreme Court of the United States, in Washington, D.C., is the highest court in the nation. If you lose a case in the court of appeals, or in a state supreme court, you can ask the Supreme Court to review your case.

The Supreme Court hears only a very small percentage of the cases it is asked to review – usually fewer than 100 cases a year.

Deciding the Issues

Supreme Court Justices choose cases that will affect the entire country, not just the individuals involved. They want to clarify legal issues that are important to as many people as possible.

Setting Precedent

Justices will often take a case when lower courts cannot agree on how to interpret the law involved. Every court in the country has to interpret laws the same way the Supreme Court does.

Court of Appeals

Above the district courts are the United States courts of appeals. Several states together will share one court of appeals.

If you lose in a district court, you can ask the court of appeals to review your case to see if the district judge applied the law correctly. Everyone has the right to have his case reviewed at this level to make sure that everyone has equal access to justice.

District Courts

If you have ever been asked to serve on a federal jury, you helped decide that case in a U.S. district court.

The United States district courts are the trial courts of the federal court system – the places where federal cases are tried, witnesses testify, and juries serve. District courts hear nearly all categories of federal cases, including both civil and criminal matters.

Bankruptcy Courts
Bankruptcy courts are special district courts. These courts help people who cannot repay their debts. Bankruptcy cases are not about crime. Bankruptcy courts protect everyone involved by setting out steps for most debts to be repaid.

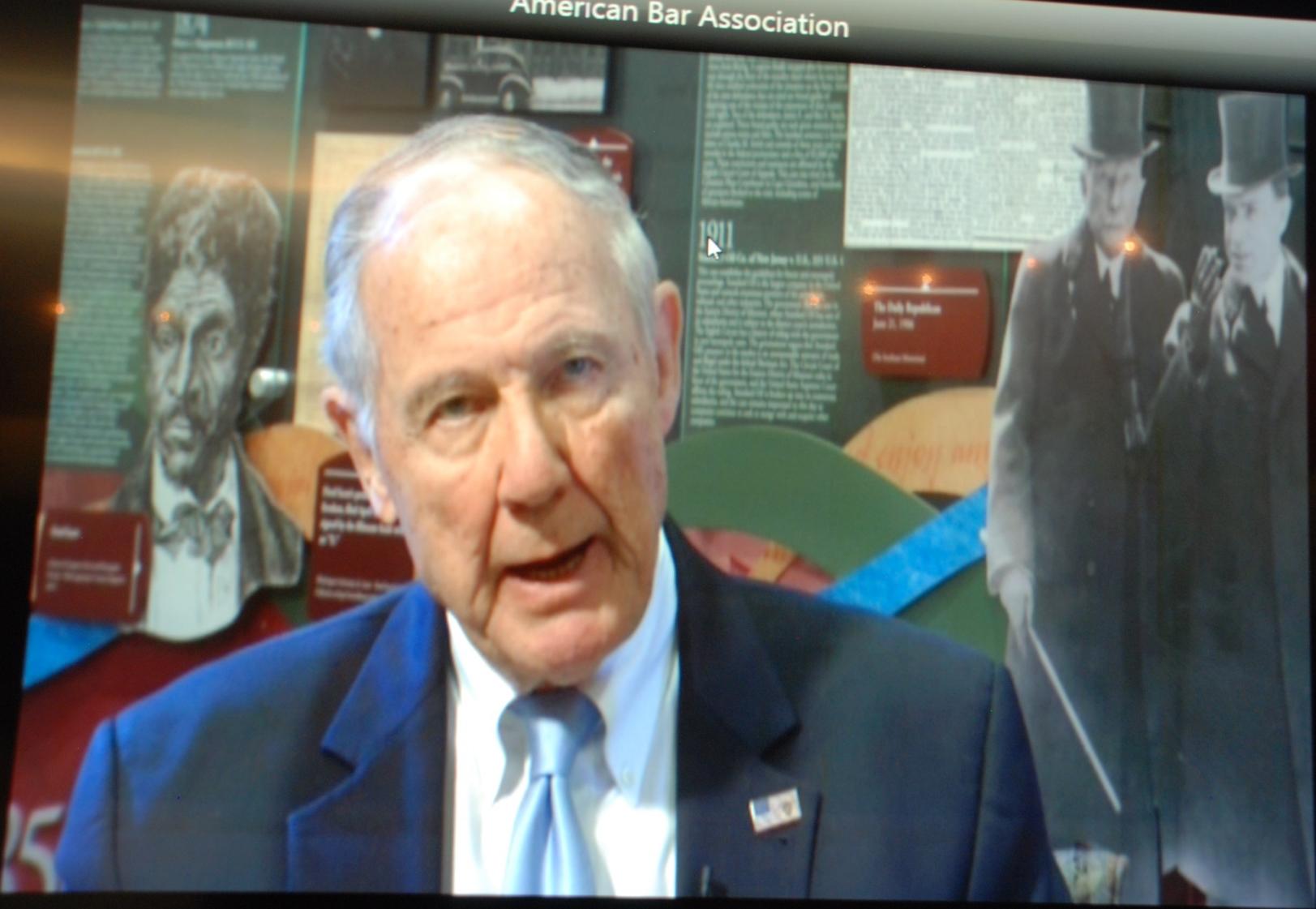
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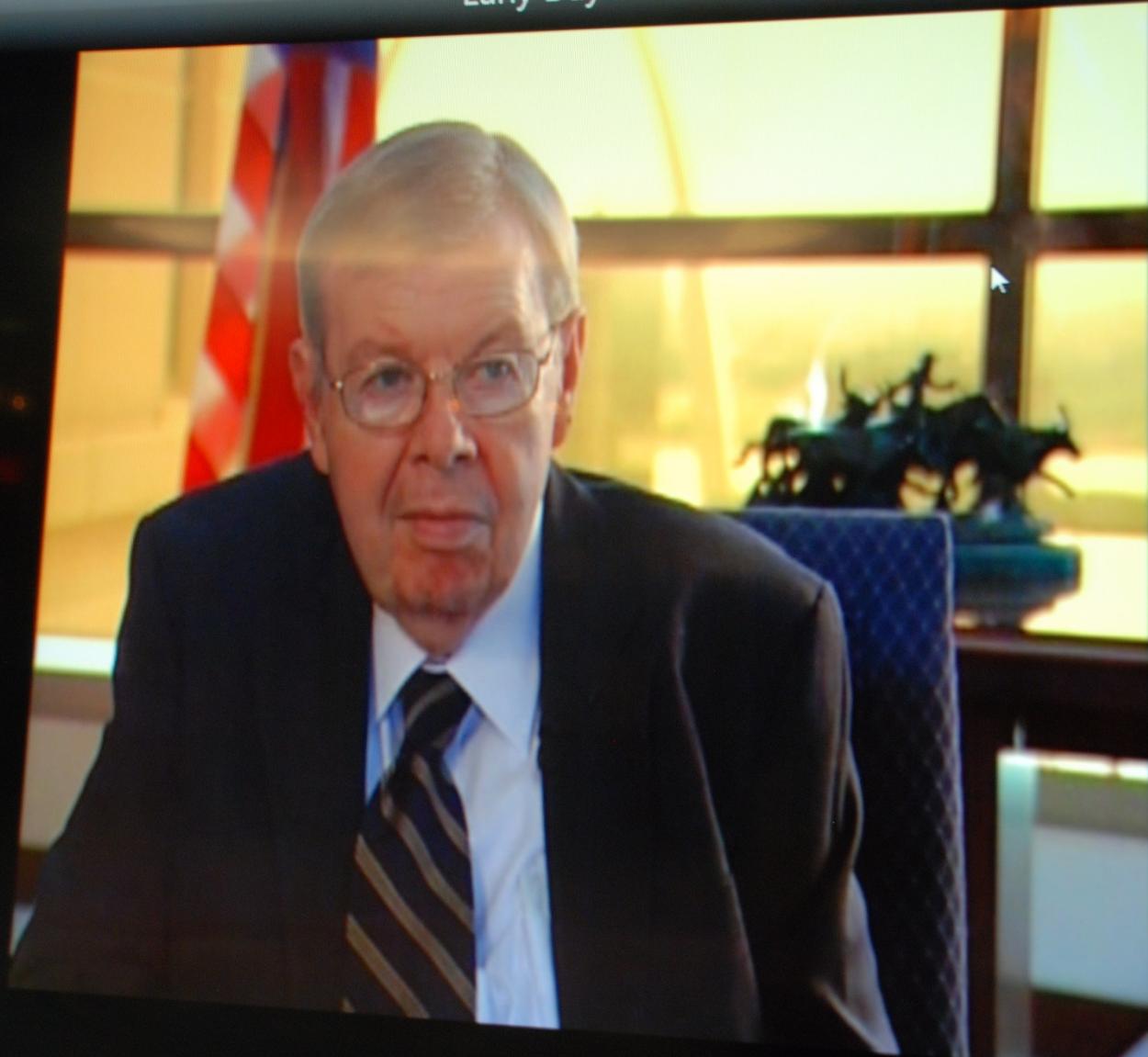
American Bar Association



City Attorney Brentwood



Early Days



Current Law Practice











Frank Susman





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CAFETERIA

THE END