

# Article I and Article III tribunals

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Jump to: [navigation](#), [search](#)

In the [United States](#), the [American legal system](#) includes both [state courts](#) and [United States federal courts](#). The [federal tribunals](#) may be an **Article III tribunal** (federal court) or another [adjudicative](#) body classified as an **Article I** or an **Article IV tribunal**. These courts are described in reference to the article of the [Constitution](#) from which the tribunal's authority stems.

## Contents

- [1 Article III tribunals](#)
- [2 Article I tribunals](#)
- [3 Article IV tribunals](#)
- [4 Supreme Court rulings limiting the power of Article I and Article IV tribunals](#)
- [5 List of Article I, Article III and Article IV tribunals](#)
- [6 See also](#)
- [7 References](#)

## Article III tribunals

**Article III tribunals** consist entirely of certain federal courts. These courts are the [Supreme Court of the United States](#) and the [inferior courts](#) established by the [Congress](#), which currently are the 13 [United States courts of appeals](#), the 94 [United States district courts](#), and the U.S. Court of International Trade. They constitute the [judicial branch](#) of the government (which is defined by [Article III](#) of the [Constitution](#)).

Under the Constitution, Congress can vest these courts with jurisdiction to hear cases involving the Constitution or [federal law](#) and certain cases involving disputes between citizens of different states or countries. Article III includes provisions to protect the courts against influence by the other branches of government: judges may not have their salaries reduced during their tenure in office, and their appointment is for life (barring impeachment and removal for bad behavior). See also [United States federal judge](#).

The Supreme Court has ruled that *only* Article III courts may render final judgments in cases involving life, liberty, and private property rights, with limited exceptions, as discussed below.

## Article I tribunals

**Article I tribunals** consist of certain federal courts and other forms of adjudicative bodies. These tribunals, as created by Congress, are of various forms, and have differing levels of independence from the executive and legislative branches. They can be Article I Courts (also called legislative courts) set up by Congress to review agency decisions, military courts-martial appeal courts, ancillary courts with judges appointed by Article III appeals court judges, or [administrative agencies](#).

Article I judges are not subject to the Article III protections. For example, these judges do not enjoy life tenure, and Congress may reduce their salaries.

The existence of Article I tribunals has been controversial, and their power has been challenged before the [United States Supreme Court](#), which has determined that Article I tribunals may exist, but that their power must be circumscribed and, when a potential deprivation of life, liberty, property, or property interest is involved, their decisions are often subject to ultimate review in an Article III court.

## Article IV tribunals

The **United States territorial courts** are tribunals established in [territories of the United States](#) by the [United States Congress](#), pursuant to its power under [Article Four of the United States Constitution](#), the [Territorial Clause](#).<sup>[1]</sup> Most United States territorial courts are defunct because the territory under their jurisdiction have become states or been retroceded.

The [High Court of American Samoa](#), whose judges and justices are appointed by the [United States Secretary of the Interior](#), is an example of an Article IV tribunal.

Among the United States territorial courts still in existence are:

- [United States District Court for the Northern Mariana Islands](#)
- [District Court of Guam](#)
- [District Court of the Virgin Islands](#)

Article IV judges do not have the authority to decide petitioners' appeals or be appointed to a [United States Court of Appeals](#).<sup>[2]</sup> The U.S. Supreme Court case *Nguyen v. United States*, 539 U.S. 69 (2003) presented the question of whether a panel of the Court of Appeals consisting of two Article III judges and one Article IV judge had the authority to decide petitioners' appeals. The U.S. Supreme court concluded it did not.

On *Balzac v. Porto Rico*, [258 U.S. 298](#) (1922) the U.S. Supreme Court concluded : “The United States District Court (in Puerto Rico) is not a true United States court established under Article 3 of the Constitution to administer the judicial power of the United States therein conveyed. It is created by virtue of the sovereign congressional faculty, granted under Article 4, §3, of the Constitution, of making all needful rules and regulations respecting the territory belonging to the United States”.

In 1966 President [Lyndon B. Johnson](#) signed [Pub.L. 89-571](#), 80 [Stat.](#) 764, which transformed the Article IV federal district court in Puerto Rico to an Article III Court. This Act of Congress was not conducted pursuant to Article IV of the Constitution, the Territorial Clause, but rather under Article III. This marks the first and only occasion in United States history in which Congress establishes an Article III Court in a territory other than the District of Columbia. From this moment on, judges appointed to serve on the Puerto Rico federal district court have been Article III judges appointed under the Constitution of the United States. Like their mainland brethren they are entitled to life tenure and salary protection. See also: [United States territorial court](#)

## Supreme Court rulings limiting the power of Article I and Article IV tribunals

The concept of a legislative court was first defined by Chief Justice [John Marshall](#) in the case of [American Ins. Co. v. 356 Bales of Cotton](#), 1 Pet. 511 (1828), which is sometimes referred to as *Canter*, after a claimant in the case. In this case, a court in what was then the Territory of [Florida](#) had made a ruling on the disposition of some bales of cotton that had been recovered from a sunken ship. This clearly fell into the realm of [admiralty law](#), which is part of the federal judicial power according to Article III of the Constitution. Yet the judges of the Florida territorial court had four-year terms, not the lifetime appointments required by Article III of the Constitution. Marshall's solution was to declare that territorial courts were established under Article I of the constitution. As such, they could not exercise the federal judicial power, and therefore the law that placed admiralty cases in their jurisdiction was unconstitutional.

Ever since *Canter*, the federal courts have been wrestling with the division between legislative and judicial courts. The Supreme Court most thoroughly delineated the permissible scope of Article I tribunals in [Northern Pipeline Co. v. Marathon Pipe Line Co.](#), 458 U.S. 50 (1982), striking down the [statute](#) that created the original U.S. bankruptcy court. The Court noted in that opinion that the framers of the Constitution had developed a scheme of [separation of powers](#) which clearly required that the [judiciary](#) be kept independent of the other two branches via the mechanism of lifetime appointments. However, the Court noted three situations (based on historical understanding) in which Congress could give judicial power to non-Article III courts:

1. Courts for non-state areas (U.S. territories and the [District of Columbia](#)) in which Congress is acting as both local and national government.
2. Military courts (or courts-martial), under the historical understanding and clearly laid out exceptions in the Constitution.
3. Legislative courts established under the premise that, where Congress *could* have simply given the Executive Branch the power to make a decision, it has the lesser power to create a tribunal to make that decision. This power is limited to adjudication of public rights, such as the settling of disputes between the citizens and the government.

The Court also found that Congress has the power under Article I to create *adjunct tribunals*, so long as the "essential attributes of judicial power" stay in Article III courts. This power derives from two sources. First, when Congress *creates* rights, it can require those asserting such rights to go through an Article I tribunal. Second, Congress can create non-Article III tribunals to help

Article III courts deal with their workload, but only if the Article I tribunals are under the control of the Article III courts. The bankruptcy courts, as well as the tribunals of [magistrate judges](#) who decide some issues in the district courts, fall within this category of "adjunct" tribunals. All actions heard in an Article I tribunal are subject to [de novo review](#) in the supervising Article III court, which retains the exclusive power to make and enforce final judgments.

Pursuant to Congress' authority under Article IV, §3, of the Constitution to "make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States;" the Congress created territorial court, and vested it with [subject-matter jurisdiction](#) over causes arising under both federal law and local law.

The Supreme Court later noted in [Commodity Futures Trading Commission v. Schor](#), 478 U.S. 833 (1986), that parties to litigation could voluntarily waive their right to an Article III tribunal, and thereby submit themselves to a binding judgment from an Article I tribunal.

## **List of Article I, Article III and Article IV tribunals**