

SIC 9199**GENERAL GOVERNMENT, NOT ELSEWHERE CLASSIFIED**

This group covers government establishments primarily engaged in providing general support for government, which include personnel, auditing, procurement services, and building management services, and other general government establishments, which cannot be classified in other industries. Public finance is classified in **SIC 9311: Public Finance, Taxation, and Monetary Policy**.

NAICS CODE(S)

921190 (All Other General Government)

The general government not elsewhere classified (NEC) division includes several offices and agencies associated with civil rights, civil service, accounting, personnel, purchasing, and supply. Three of the largest of these offices, all on the federal level, are the General Accounting Office (GAO), the Office of Personnel Management (OPM), and the General Services Administration (GSA).

The GSA establishes policy for and provides economical and efficient management of government property and records. It oversees the construction and operation of buildings; purchasing and distribution of services and supplies; disposal and use of property; management of general transportation, traffic, and communications; and management of automatic data processing resources. Established in 1949, this massive federal bureaucracy ballooned into about 20 separate Washington, D.C., units and programs, and 11 regional offices with thousands of workers by the mid 1990s. The administrator of the GSA is supported by his deputy and chief of staff. Offices under GSA control range from the Office of Child Care and Development Programs to the Office of Business, Industry, and Governmental Affairs and the Office of Emerging Technology. The 1999 estimated budget for the GSA was \$328 million dollars.

The OPM administers recruiting, examining, training, and promotion programs for federal workers. Its duty is to ensure that the federal government provides applicants and employees personnel services designed to develop and encourage the effectiveness of employees. The OPM also provides benefits to retired employees and their survivors. Established by the Civil Service Reform Act of 1978, the OPM inherited many of the responsibilities of the old Civil Service Commission. It is comprised of a director who oversees several offices, an Advisory committee, six functional groups (e.g. retirement and career entry), and five regional offices. OPM's estimated 1999 budget was \$48 million.

The GAO is the investigation arm of Congress. Established in 1921 by the Budget and Accounting Act of 1921, it examines matters relating to the receipt and disbursement of public money. It supports Congress primarily by auditing and evaluating government programs and activities, usually at the request of house committees and members. The GAO is charged with finding inefficiency, waste, fraud, and illegality in government programs and bringing them to the attention of Congress. It also develops and prescribes accounting and fiscal policies, and provides legal counsel and services to Congress related to money and expenditures. The 1999 budget for the GAO was \$354 million.

The Commission on Civil Rights, a smaller federal entity, collects and studies information on discrimination or denials of equal protection of the laws because of immutable physical characteristics, religion, or national origin. It was created in 1957 under the Civil Rights Act, and consists of 16 different offices, divisions, and units.

In addition to the GSA, OPM, GAO, and a few other separate entities, there are numerous branches and divisions of large federal offices that conduct activities similar to the major offices. Likewise, numerous and varied counterpart offices and agencies operate in state and local governments. Although general government NEC offices account for a significant portion of overall government employment, prospects for job growth are slim given public pressure to eliminate new government spending.

At the state and local level, cumulative government expenditures on construction, equipment, land, and maintenance of existing structures came to \$158.9 billion in 1996. State and local governments employed about 940,000 people in NEC administrative and otherwise unallocable positions during that year.

FURTHER READING

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SIC 9211**COURTS**

This classification covers civilian courts of law. Military courts are classified in **SIC 9711: National Security**.

NAICS CODE(S)

922110 (Courts)

ORGANIZATION AND STRUCTURE

The law affects every aspect of modern society. It regulates the entire range of relationships among individuals, groups, businesses, and governments, defining rights and restrictions on conduct, communications, and transactions. Everything from paying taxes and entering into contracts to constructing buildings and punishing criminals is touched by the law. Even some aspects of personal relationships, such as divorce or child custody, are governed by law.

Because social needs and attitudes are continually changing, the law is also constantly changing. In many cases, the court system is the impetus for change. Judges play an important part in the development of the law by interpreting how particular laws apply to specific circumstances. When social mores change, judges—the interpreters of the law—can in effect rewrite the laws.

The court system is a vast network of federal, state, county, and local courts that provides a forum in which to interpret laws when disputes arise. Criminal matters are usually separated from civil matters, but a court of “general jurisdiction” may hear either. Issues that involve federal laws or the U.S. Constitution may be brought in federal district courts; matters between private parties are generally heard in a state’s “circuit court” or court of common pleas. Courts may gain jurisdiction over foreign defendants who have committed a criminal or civil wrong while in this country. Likewise, through the Alien Tort Claims Act, illegal aliens may sue American companies for wrongs committed in other countries.

The court system encompasses a wide array of external support entities such as sentencing boards, Friends of the Court, probation and parole boards, local police and sheriff departments, state prosecutors and public defenders, lawyers, public service and community organizations, law schools, correctional institutions, and, often, social services. Conversely, within a courtroom, there are bailiffs, court officers, court reporters, administrative staff, and, importantly, the judge’s clerk (a misnomer, as the clerk is usually a graduate law student or a full attorney, depending on the level of court).

Judges. Judges oversee the legal process and resolve civil disputes or determine guilt in criminal cases for which there is no jury. They also determine the procedural process to be followed in the courts and provide instructions to juries in cases for which a jury is seated. Judges are responsible for assuring that trials are conducted fairly and that individual legal rights are safeguarded—particularly in criminal cases. Judges typically listen to the attorneys for each party while they

argue their cases, examine witnesses, and present other evidence. Judges make rulings on the admissibility of evidence, methods of questioning witnesses, and legal validity of disputes between opposing attorneys.

Judges are also responsible for conducting pretrial hearings and other types of formal hearings. They may determine whether there is sufficient evidence to merit a criminal trial, establish whether bail will be allowed for criminal defendants, and set conditions for the release of an accused until trial. They may also rule whether certain evidence can be used at trial and whether television cameras will be allowed in the courtroom. Judges also decide whether a right to a trial by jury exists, and they make sentencing decisions.

Most judges have experience as lawyers prior to joining the bench. They are employed by local and county governments, state governments, and the federal government. Local judges are usually elected in local elections. State supreme court justices are appointed by the governor. Federal judges are appointed for life by the president, with the consent of the Senate. The prestige associated with being a judge fuels keen competition for these coveted positions.

Kinds of Courts. The Constitution of the United States divides the federal government into three branches of government: executive, legislative, and judicial. The executive branch includes the president, his cabinet, and certain federal agencies. The legislative branch is comprised of the U.S. Congress and certain federal agencies. The court system falls under the judicial branch, which is responsible for interpreting the laws passed by the legislative branch. Although the judicial branch is the smallest of the three branches, its power is significant.

The court system in the United States includes federal courts, state courts, and county or municipal courts. Each of these courts serves a particular purpose. In some cases, litigants must go to a particular court; in others, they may, to some degree, choose their “forum.” Court systems are generally three-tiered, whether federal or state. First, there are the trial courts, then the courts of appeals, and, finally, the supreme courts (the ultimate appellate courts).

The federal court system begins with the District Court, where trials are held for cases involving federal issues or where the parties to the case are from different states. If someone loses a case in District Court, he or she can appeal to the Court of Appeals in the appropriate district. The highest rung of the judicial branch is the U.S. Supreme Court—a body composed of nine justices, each appointed for life by the president. One justice serves as the chief justice.

The U.S. Supreme Court has discretionary authority to decide which cases it will hear. Cases come from more

than 100 federal courts and scores of state courts. The court accepts only those cases that it believes are of significant public concern—issues like abortion, racial integration, and school prayer have all been decided by the Supreme Court. Nearly all cases reach the court by a petition for certiorari (a legal document to call up another court's records), and the vast majority are denied. In fact, no petition is even considered unless at least one justice believes it important enough, at which point at least four justices must vote in favor of granting the petition for the case to be heard.

Once a case has been accepted for review, the attorneys for the parties submit to the court written arguments known as briefs. They can then make their arguments in a public courtroom. The justices reflect on the matter and hold weekly conferences to debate and discuss their ultimate decision. Only the justices are present during the conference in order to maintain complete secrecy until the decision is announced. After the conference, the chief justice makes assignments about who will write each opinion. However, if the chief justice votes with the minority, the most senior justice who votes with the majority will make the assignment.

The state court system operates both a civil court system, for civil disputes, and a criminal court system. The most minor civil suits begin at the local level with small claims court. This is a local court, usually serving a particular county, in which those with claims up to a certain amount of money (typically \$3,000 to \$5,000) can go to court and have a judge decide their case without the cost or assistance of an attorney. In fact, attorneys are usually not allowed to represent the parties in a small claims action. The next level of state court is the municipal or justice court. Typically, this court covers a county-wide area in which the county is divided into judicial districts. Municipal courts usually hold preliminary hearings for criminal matters to determine whether there is enough evidence for a trial to proceed, conduct trials for misdemeanor violations, and hear civil actions up to the jurisdictional limit, which varies widely. The monetary limit for these courts is higher than small claims court but usually lower than superior court, which is the next rung on the ladder.

Superior courts or circuit courts—generally one in each county—are where the majority of cases are heard, including felony trials, juvenile hearings, probate proceedings, divorce actions, and most other civil lawsuits, including business disputes, personal injury actions, and employment litigation. If a citizen loses a case in one of these trial courts, he or she typically can appeal to the court of appeals. If one still is not satisfied with the decision, he or she can take the case to the highest state court, the state supreme court. State supreme court justices, appointed by the governor, review decisions of the

court of appeal at their discretion and are not obligated to accept all cases for review. However, all capital offense convictions are automatically appealed to the supreme court. After that, the court of last resort is the U.S. Supreme Court, which hears only those cases the court feels are of great public concern.

Litigants who do not wish to wait for their day in court may consider “alternative dispute resolution,” such as binding arbitration or court-directed mediation. In most state courts, fewer than 10 percent of cases actually go to trial; by far the majority of them are settled or adjudicated by alternative means. By 2003, the American Arbitration Association (AAA) had more than 8,000 arbitrators in place throughout the world. In 2002 alone, the AAA participated in 230,255 cases representing \$728 million in claims. Nearly 3,300 of these cases were commercial in nature and involved claims of at least \$250,000.

BACKGROUND AND DEVELOPMENT

One of the first laws enacted by the first U.S. Congress was the Judiciary Act of 1789, which established a federal court system. It was somewhat of a duplication of the state court system, but the reasoning for the introduction of a federal system was sound. At that time, there was great fear of prejudice by the citizens of one state against another. It was believed that federal courts would assure out-of-state litigants a forum that would be free from local bias.

A landmark legal decision studied by law students across America is *Marbury v Madison*, decided in 1803. One cannot study the court system of today without understanding the historical underpinnings of the entire system, for it was this legal decision on which the system was founded. *Marbury* involved a struggle between different branches of government and found the judicial branch to wield the greatest power. The Supreme Court ruled that the judiciary had the power to review the constitutionality of a congressional law. This meant that although the legislative branch could pass a law, the judicial branch could review it and decide whether it was constitutional and how it should be applied to particular circumstances. This made the judicial branch the “final arbiter” of the law.

Another landmark decision affecting the court system was handed down in 1819, when the *McCulloch v Maryland* decision established the supremacy of federal law over state law. It also enunciated a doctrine of implied powers for the federal government that has become the cornerstone of federal power and one of the most basic aspects of American constitutional law.

The American court system of the late twentieth century operated, at least in theory, much the same way it always had. Little had changed in the way of formal

structure and organization. However, across the nation, particularly in major metropolitan areas, the courts became clogged with a morass of litigation, making it difficult for the system to keep up with demand. In many large cities, civil lawsuits took as long as five years to go to trial. In the criminal arena, some accused waited for periods of a year—or more—for their day in court. As a result, many prosecutors increased the use of plea-bargaining, wherein the accused pleads guilty, perhaps to a lesser charge, to try to alleviate the backlog of cases in the courts. In civil matters, divorce and child custody proceedings caused significant backups on the courts' dockets, causing many state courts to establish separate divisions for "domestic matters." Even the country's highest court, the U.S. Supreme Court, was dragged into controversy in 1999 when the National Association for the Advancement of Colored People (NAACP) and other African American groups publicly denounced the high court's low representation of minority law clerks working for the judges.

Between 1995 and 1999 the American public witnessed two major court events that changed perceptions of the legal system forever. First was the trial and ultimate acquittal of football celebrity O.J. Simpson for the murders of his wife, Nicole Simpson, and Ronald Goldman, who was with her at the time. Second was the televised impeachment trial of President Bill Clinton, also acquitted, for alleged perjury involving his illicit affair with White House intern Monica Lewinsky. In 1999, concerned that the general public believed trial outcome was more dependent on money and "who-you-knew" than on truth and merit, the National Center for State Courts (NCSC) conducted a national survey, funded by the Hearst Corporation, to gauge public trust in court systems. The results were not altogether surprising:

- Americans were generally split on whether they believed the media's portrayal of courts was accurate.
- A full 81 percent of Americans believed that politics influenced court decisions.
- Americans resoundingly (by 87 percent) believed that having a lawyer significantly added to the cost of going to court, and a surprising 6 of 10 Americans believed they could represent themselves in court if necessary.
- Most Americans (79 percent) believed that judges were honest and fair in deciding cases.
- Americans overwhelmingly believed that cases were not being resolved in a timely manner, and most gave an "average" grade to court performance in their communities.

A major court trend in the 1990s was the proliferation of "mass tort litigation," a term applied to multistate class actions by large groups of similarly situated litigants who

have suffered common injuries: breast implant, tobacco, and asbestos cases are a few. In 1998 and 1999, after nearly a decade in court, the largest of the breast implant manufacturers and tobacco companies respectively entered into settlement agreements coordinated by several courts that had originally "joined" the cases.

An issue among state legislators in the 1990s was the enactment of laws establishing monetary ceilings or "caps" on the amount litigants could be awarded in personal injury court cases. This trend was abruptly halted in 1998 and 1999, when several states' high courts overturned the laws, finding them unconstitutional and a violation of a person's fundamental right to have "his or her day in court" and be compensated for his actual loss, without limit.

CURRENT CONDITIONS

By the early 2000s, the nation's courts were contending with increased levels of overall activity. For example, according to the National Center for State Courts (NCSC), the number of cases filed in state trial courts reached 92 million in 2000-01—an eight-year record. This activity was partially fueled by a rise in domestic violence cases, which the NCSC said had increased 11 percent since the late 1990s. Not all forms of cases were on the rise, however. Felony cases at the state level were stagnant in comparison to the late 1990s, whereas tort filings had declined over the course of 10 years. At the state supreme court level, the NCSC reported that criminal petitions were increasing at a substantial rate.

According to the Justice Department's Bureau of Justice Statistics (BJS), in 2001 there were 2,341 local prosecutorial districts in 2001, 77 percent of which were overseen by a full-time prosecutor. This percentage was up from 53 percent in the previous decade. On average, these offices closed 976 criminal cases in 2001. However, this number varied considerably depending on the size of the office. For example, large offices averaged 48,000 cases or more, while this total was nearly 13,500 in mid-sized offices, more than 1,000 in smaller ones, and 300 in offices headed up by a part-time prosecutor.

Along with the rising pervasiveness of Internet connectivity, U.S. courts faced a larger number of cases involving so-called "cyber-crime." In 2002, the BJS reported that some 42 percent of prosecutors' offices "brought felony or misdemeanor charges of computer-related crimes. In terms of specific computer-related crimes, 30 percent of all offices prosecuted offenses dealing with the transmission of child pornography, 27 percent credit card offenses and 22 percent bank card fraud. Computer sabotage was prosecuted by 5 percent of offices and theft of intellectual property by 3 percent of offices." In addition to crimes pertaining specifically to computers, court cases increasingly involved technology

in general. One example is the increasing use of DNA as evidence. The BLS reported that approximately 66 percent of prosecutors' offices used DNA evidence in court during 2001, up from about 50 percent in 1996.

By the dawn of the twenty-first century, the highest courts of the land were still the arbiters of social, legal, and political disagreement, hearing and deciding issues unthinkable in earlier times: whether a woman may still be impregnated with frozen sperm if she is now divorced from the sperm donor; whether school districts may be sued by the parents of children harassed by other students; whether death by lethal injection constitutes "cruel and unusual punishment," or whether gun manufacturers may be sued for their roles in promoting violent crimes.

By 2003, the U.S. Supreme Court continued to hear cases of national importance, such as the use of tax dollars to fund religious education and how family medical leave policies relate to state employees. However, it also was forced to acknowledge the new political landscape that emerged after the terrorist attacks against the United States on September 11, 2001. One such case came from the 9th U.S. Circuit Court of Appeals. It involved prisoners from Afghanistan and other nations that the United States was holding prisoner at a military base in Cuba. According to the Associated Press, a coalition of clergy members and lawyers filed a lawsuit against President George W. Bush, Secretary of Defense Donald Rumsfeld, and other individuals claiming that the prisoners' basic human rights were being violated. Although the U.S. Supreme Court ultimately denied to hear the case, it demonstrates the complexity of issues the high court faced in the early 2000s.

AMERICA AND THE WORLD

In 1998 the International Criminal Court, which was the world's first permanent war crimes tribunal, was established in The Hague (Netherlands). Created by international treaty and adopted by 60 nations, it was empowered to try cases of human rights violations and aggression. The court parallels the International Court of Justice (ICJ), under charter of the United Nations (UN) at the Peace Palace in The Hague. The ICJ hears matters involving international law and also renders advisory opinions. Although these judicial efforts portended a significant international desire for a global "Big Brother," their enforcement powers are more specious than substantive: how do nations punish other nations for war crimes? Historically, trade bans and economic punishment have not worked and have often resulted in black market proliferation. Notwithstanding, the growing sentiment at the turn of the twenty-first century was for commonality and universal application of humanitarian law among civilized nations.

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SIC 9221

POLICE PROTECTION

This industry classification includes government establishments primarily engaged in law enforcement, traffic safety, police, and other activities related to the enforcement of the law and preservation of order. The National Guard and military police are classified in **SIC 9711: National Security**. Private establishments primarily engaged in law enforcement, traffic safety, police, and other activities related to law enforcement are classified in **SIC 7381: Detective, Guard, and Armored Car Services**. Government establishments primarily engaged in prosecution are classified in **SIC 9222: Legal Counsel and Prosecution**. Government establishments primarily engaged in the collection of law enforcement statistics are classified in **SIC 9229: Public Order and Safety, Not Elsewhere Classified**.

NAICS CODE(S)

922120 (Police Protection)