



**Devotion:** “For you are a people holy to the Lord your God. The Lord your God has chosen you out of all the peoples on the face of the earth to be his people, his treasured possession” (Deut. 7:6)

**Attendance:** Are you in good rhythm/ routines for the semester?

**Motivation: Discipline – Tony Robbins/ Les Brown 4:49 min. / <https://www.youtube.com/watch?v=BbJlbQIcpGs>**

3 9/20	JPA Ch. 2; CE article	Federal judicial system. Dual court system, appointment of justices, Marbury v. Madison (1803),	<b>HW2 POST</b> (due 9/18) Use book and current event article to debate strengths/limitations dual court system. 1. Why do they represent dual tension in justice? 2. How would the Marbury v. Madison (1803) impact Congress currently (pick an issue)? (250 words) • Respond to a post (50 words)	Use text and non-text article (125 words each (250 words). Respond 50 words
4 9/27	JPA Ch. 3	State judicial systems. How does the <i>state system structure</i> parallel the federal system? What is a unified court system?	<b>HW3 POST</b> (due 9/25) 1. What do you think is fair about differences between State jurisdictions and law? 2. What is the specific liability (conditions for penalty) in the new Texas abortion law SB8? • Respond to a post (50 words)	Use text and non-text article in your answers (250 words). Respond 50 words

**Topics:** Federal judicial system. Dual court system, appointment of justices, Marbury v. Madison (1803)

We the People of the United States, in Order to form a more perfect Union, establish Justice, ensure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America. (Preamble, United States Constitution, 1789).

This LP introduces the concept of the federal and dual court system. The origin of the court systems and the intent to separate authority between the federal government and between each State is discussed. As you read, consider the importance of self-determination expressed by constitutions and courts. Remember, that each State has a constitution and its own court system. The concept of federalism will run throughout the course as a way of establishing the authorities of each court system.

**Structure of the Dual Court system** (Judiciary Act of 1789, Congress empowered by the Article III, U.S. Constitution)

1. The U.S. Supreme Court adjudicates cases that require a new application of U.S. Constitutional principles.
2. The Federal Court system was established on the idea that federal jurisdiction be present and *ensure fair treatment* in localities across the country when it came to federal law/code. Federal courts/judges can rule on the *Constitutionality* of legislation and court decisions of the States. States worried that federal courts would undermine the local authority of State courts.
3. Federal courts are empowered to hear *cases in the first instance* (the first time before a judge), this means that although federal violations occur in a particular State(s), those States will not have jurisdiction over the code or the judgement process (this is called *adjudication*).
4. States are also empowered to establish laws, and local courts, appeal courts, and a Supreme Court of the State.

**What is a Circuit court and a District Court?**

- There are 94 *first instance* federal courts called *Federal District Courts*, and their jurisdictions cross State boundaries implying their national significance and jurisdiction. District courts can review criminal and civil cases, including criminal felony and misdemeanor level violations.
- There are 13 *Federal Circuit courts* (Appeals) across the U.S., these courts serve as final appeal courts, unless the U.S. Supreme Court chooses to review a Circuit court case.
- Panels of Judges in appeals courts demonstrate the principle that interpretation of the law and application of due process is the reason for appeals. Decisions may be decided by a split of opinion, 2-1. Judges may or may not write up dissent opinions (explaining why they disagreed).

**VIDEO:** Becoming a Federal Judge - <https://www.youtube.com/watch?v=isAR8JmGCsE>

- Lifetime appointments, qualifications for the job, ratings by the American Bar Association (ABA)
- Brief history on appointment and diversity
- What can go wrong in a judgeship?
- What is judicial restraint or activism?

### Marbury v. Madison (1803)

**What is the power of the U.S. Supreme Court regarding the Constitutionality of Congressional acts?**

**VIDEO:** Marbury v. Madison (1803) <https://www.youtube.com/watch?v=KwciUVLdSPk> – 8:12 min.

Write up *four sentences* that briefly describes the facts, the issue, and the outcome of Marbury v. Madison. Include in your summary (a) Pres. John Adams, (b) Pres. Thomas Jefferson, (c) Marbury, approved for federal judgeship, (d) the definition of *the writ of mandamus*.

- The proactive *writ of mandamus* was determined to be unconstitutional in application, however the ruling itself implied the SC's power to judge Congressional actions as unconstitutional.

**A. VIDEO: Plessy v. Ferguson** - <https://www.youtube.com/watch?v=qxhKEzMbw2o> – 6:14 min.

Write four sentences that summarize the Supreme Court's decision in Plessy v. Ferguson (1896)

**B. VIDEO: Brown v. Board of Education** - <https://www.youtube.com/watch?v=TTGHLdr-iaK> – 4:53 min.

Write four sentences that summarize the Supreme Court's decision in Brown v. Board of Education (1954)

**IDEA: How do Federal judges impact laws and regulations in current government policy?**

**Article: DHS releases priority-based immigration enforcement guidelines (CNN)**

[https://www.cnn.com/2021/09/30/politics/departments-of-homeland-security-immigration-guidelines/index.html?utm\\_term=1633084386028d775d70795b9&utm\\_source=cnn\\_Five+Things+for+Friday%2C+October+1%2C+2021&utm\\_medium=email&utm\\_campaign=ZU6oeLvFLVj2SvClcL4rAbLY2MfQEA%2B7q1mjSmPW%2F080319cBohqgmDw3VUXf%2FtE&utm\\_ts=1633084386031](https://www.cnn.com/2021/09/30/politics/departments-of-homeland-security-immigration-guidelines/index.html?utm_term=1633084386028d775d70795b9&utm_source=cnn_Five+Things+for+Friday%2C+October+1%2C+2021&utm_medium=email&utm_campaign=ZU6oeLvFLVj2SvClcL4rAbLY2MfQEA%2B7q1mjSmPW%2F080319cBohqgmDw3VUXf%2FtE&utm_ts=1633084386031)

The responsibility to address persons illegally seeking entrance into the U.S. has a long history. Where immediate public safety is the challenge, federal agencies can respond with law enforcement policy. U.S. citizens can enter law suits into the federal court system to block (have courts issue an *injunction*) the policy from taking effect/ being legally used.

The ability of federal agencies to issue regulations which have the force of law is an example of the federal government's responsibility to guard the general welfare, in this case where specialization and immediate response is needed. Other law enforcement and emergency response agencies have similar capabilities, for example, Federal Emergency Management Agency (FEMA).

Quote from article:

The 5th US Circuit Court of Appeals found that the provisions do not eliminate immigration officials' "broad discretion" to decide who should face enforcement action, according to the ruling. The part of the injunction that was not put on hold is already in line with general enforcement protocol. (Alvarez & Geneva, 2021, para. 12).

"For these reasons, we do not see a strong justification for concluding that the (Illegal Immigration Reform and Immigrant Responsibility Act of 1996) detention statutes override the **deep-rooted tradition** of enforcement discretion when it comes to decisions that occur before detention, such as who should be subject to arrest, detainers, and removal proceedings," the ruling, written by Judge Gregg Costa, reads. (Alvarez & Geneva, 2021, para. 20).

### Reference

Alvarez, P. & Geneva, S. (2021). *DHS releases priority-based immigration enforcement guidelines*. CNN: Washington, DC. Retrieved from [https://www.cnn.com/2021/09/30/politics/departments-of-homeland-security-immigration-guidelines/index.html?utm\\_term=1633084386028d775d70795b9&utm\\_source=cnn\\_Five+Things+for+Friday](https://www.cnn.com/2021/09/30/politics/departments-of-homeland-security-immigration-guidelines/index.html?utm_term=1633084386028d775d70795b9&utm_source=cnn_Five+Things+for+Friday)

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