

# The Federal Courts and You

---

*Learn how the federal courts are structured and how they have an impact on the daily lives of law-abiding citizens – like you. Find out how the system is shaped and guided by the Preamble to the Constitution; the Judiciary Act of 1789; Marbury v. Madison; and the commitment to an impartial judiciary.*

---

Stimulate interest in the modern relevance of four foundational concepts:

- The impact of federal courts on the lives of law-abiding citizens, like students.
- The priority the Founders placed on establishing justice.
- The wisdom of the way America's court system was structured.
- The impartial role of judges.

## Federal Courts' Impact on Law-Abiding Citizens

Focus attention by bringing federal courts into the lives of those who may never enter a courthouse.

- Quiz: [Impact of Federal Courts on Law-Abiding Citizens \(/educational-resources/educational-activities/activity-and-discussion-federal-courts-and-you\)](#) – Start a discussion.

## The Preamble

Start at the beginning by asking why the phrase "to establish justice" is first in the Preamble to the U.S. Constitution.

- Slides: [Preamble to the Constitution \(/file/2020/download?token=LMsdc9u9\)](#) (pdf) – Explain the Preamble.
- Interpretive Reading: [Preamble Script \(/educational-resources/educational-activities/preamble-script-federal-courts-and-you\)](#) – Read the Preamble. Start a discussion.

- Diagram: [Preamble Worksheet \(/file/1894/download?token=MzfSL0q6\)](/file/1894/download?token=MzfSL0q6) (pdf) – Identify key points.

## The Judiciary Act of 1789

Use the Act as a blueprint for the creation and structure of America's court system.

- Background: [Anniversary of the Federal Courts \(/about-federal-courts/educational-resources/annual-observances/anniversary-federal-court-system\)](/about-federal-courts/educational-resources/annual-observances/anniversary-federal-court-system) and the Judiciary Act of 1789
- Diagram: [Judiciary Act Worksheet \(/file/1896/download?token=5zhLYqzH\)](/file/1896/download?token=5zhLYqzH) (pdf) – Identify key points.
- Lessons: [Marbury v. Madison \(/educational-resources/educational-activities/marbury-v-madison\)](/educational-resources/educational-activities/marbury-v-madison) – the Judiciary Act and Judicial Review. Make the Connection.

## Impartial Judiciary

Witness judges taking their oath, talking about their role, and sharing their pathways to the bench.

- Video: [Federal Judges' Oath of Office \(https://www.youtube.com/watch?v=ytW7g3YnqEc\)](https://www.youtube.com/watch?v=ytW7g3YnqEc) – Start a discussion.
- Video: [Court Shorts: An Impartial Judiciary \(https://www.youtube.com/watch?v=TywjEd6QPuk\)](https://www.youtube.com/watch?v=TywjEd6QPuk) – Start a discussion.
- Diagram: [Impartial Judiciary Worksheet \(/file/1897/download?token=adyz0H1h\)](/file/1897/download?token=adyz0H1h) (pdf) – Identify key points.
- Videos: [Pathways to the Bench \(/judges-judgeships/pathways-bench-video-series\)](/judges-judgeships/pathways-bench-video-series): Profiles of Federal Judges

# Quiz: Impact of Federal Courts on Law-Abiding Citizens

---

*Do Federal Courts have an impact on the daily lives of law-abiding citizens? Review the statements below and identify the federal courts' impact. Finish by discussing other ways the federal courts have an impact on your daily life.*

---

## Situation

### **How do federal courts' impact your life?**

Review the statements below about daily activities or events. Identify the federal courts' impact or role on each. The impact can be related to an Amendment, law, regulation, or the type of cases heard in the federal courts. Check the answers by clicking on the Impact tab.

1. The morning news is broadcast unencumbered by governmental prior restraint.
2. When driving to school or work you pass a federal park and admire the landscape unblemished by arson or vandalism.
3. Your neighbor invites you to attend a naturalization ceremony.
4. At your part-time job, federal work safety rules are enforced.
5. In the grocery store, food products have been inspected by the Food and Drug Administration.
6. In the mail, you find a summons calling you to serve jury duty on a federal court.
7. You sell your original music on the Internet, and a rock group sues you for copyright infringement.
8. Your uncle tells you that he is filing for bankruptcy.
9. At dinner you have a glass of tap water not realizing the water is from another state.
10. Your credit card is hacked after you shop online at a store that has its headquarters in another state.
11. The news reports that leaders of an interstate drug ring operating in your city have been convicted and sent to prison.

# Impact

## How do federal courts' impact your life?

The federal courts impact or role in the activity or event is listed in bold text. The impact is related to an Amendment, law, regulation, or the type of cases heard in the federal courts.

1. The morning news is broadcast unencumbered by governmental prior restraint.  
**Federal courts hear some First Amendment cases and other Constitutional issues.**
2. When driving to school or work you pass a federal park and admire the landscape unblemished by arson or vandalism.  
**Federal courts hear cases involving crimes on national park land.**
3. Your neighbor invites you to attend a naturalization ceremony.  
**Federal judges have the authority to conduct swearing-in ceremonies.**
4. At your part-time job, federal work safety rules are enforced.  
**Cases involving federal laws and regulations that affect workers go to federal courts.**
5. In the grocery store, food products have been inspected by the Food and Drug Administration.  
**Disputes about federal regulations and food safety are heard in federal court.**
6. In the mail, you find a summons calling you to serve jury duty on a federal court.  
**You are required by law to respond to jury a summons.**
7. You sell your original music on the Internet, and a rock group sues you for copyright infringement.  
**Cases involving intellectual property and copyright law are handled in federal courts.**
8. Your uncle tells you that he is filing for bankruptcy.  
**Federal courts hear bankruptcy cases.**

9. At dinner, you have a glass of tap water, not realizing the water is from another state.

**Federal courts hear cases on pollution and interstate water rights.**

10. Your credit card is hacked after you shop online at a store that has its headquarters in another state.

**Federal courts handle interstate commerce disputes.**

11. The news reports that leaders of an interstate drug ring operating in your city have been convicted and sent to prison.

**Interstate drug trials are heard in federal court.**



To Establish Justice

Constitution Day

September 17

# Preamble of the Constitution

---

*We the People of the United States,  
in Order to form a more perfect Union,*

*Establish Justice*

Insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution of the United States.

# Colonial America



⌘ During colonial times in America, justice was determined only by order of the King of England.



- ⌘ The King's injustices took many forms, including
- ❖ Stamp Acts
  - ❖ Tea Acts
  - ❖ Townsend Acts
  - ❖ Quartering British troops in private homes



# Declaration of Independence

- ❧ The colonists accused the King on nine counts of denying them basic rights.
- ❧ They created a new concept of justice for an independent nation.



*“We hold these truths to be self evident, that all men are created Equal.”*

# The Constitution



*“The administration of Justice is the firmest pillar of government.”*  
-George Washington

- ❧ The Constitution created a new system of laws based on the goal of justice for all.
- ❧ It established the framework for stable government.
- ❧ It also provided checks and balances among the three branches of government.
- ❧ Citizens would not live under British tyranny any longer.

# The Bill of Rights



*“Nor be deprived of life, liberty, or property, without due process of law.”*

-Fifth Amendment



- ❧ The first Ten Amendments specify rights all citizens have.
- ❧ These rights are secured by the courts.

# Upholding Justice



*"Justice, sir, is the great interest of man on Earth. It is the ligament which holds civilized nations together."*

-Daniel Webster



# Federal Courts: Guardians of Justice



## Supreme Court of the United States

- Highest court and interpreter of the Constitution
- Cases come from federal or state courts
- Nine justices sit in Washington, D.C.
- The Court decides which cases to hear

## Courts of Appeals

- Intermediate level of the federal court system
- 12 regional, circuit courts including Washington, D.C.

## District Courts

- Trial courts on the first level of the federal system
- 94 judicial districts serve 50 states and the U.S. territories
- Starting point for most cases

# Trying Times for Justice



Several Supreme Court cases have been indicators that the journey toward justice has not always been a straight line.

*Dred Scott v. Sandford*

*Plessy v. Ferguson*

*Korematsu v. U.S.*



# Justice For All



*"Justice denied anywhere, diminishes justice everywhere."*

-Dr. Martin Luther King Jr.

❧ *Brown v. Board of Education* showed that courts can correct mistakes of the past.

❧ In *Brown*, the Supreme Court affirmed the importance of equal access to education.

❧ The journey toward justice for all continues today in the courts.



# What Does Justice Look Like?

---

## Examples:

- ❧ The expression of unpopular views
  - *Johnson v. Texas*
  
- ❧ Access to public education
  - *Cooper v. Aaron*
  
- ❧ Free exercise of religion
  - *Wisconsin v. Yoder*



*"Justice has nothing to do with what goes on in a courtroom, but what comes out of a courtroom."*

-Clarence Darrow



# Upholding Justice Today

---

⌘ Judges and jurors are partners in justice.



⌘ Jurors find the facts and judges apply the law.

# You As a Partner in Justice

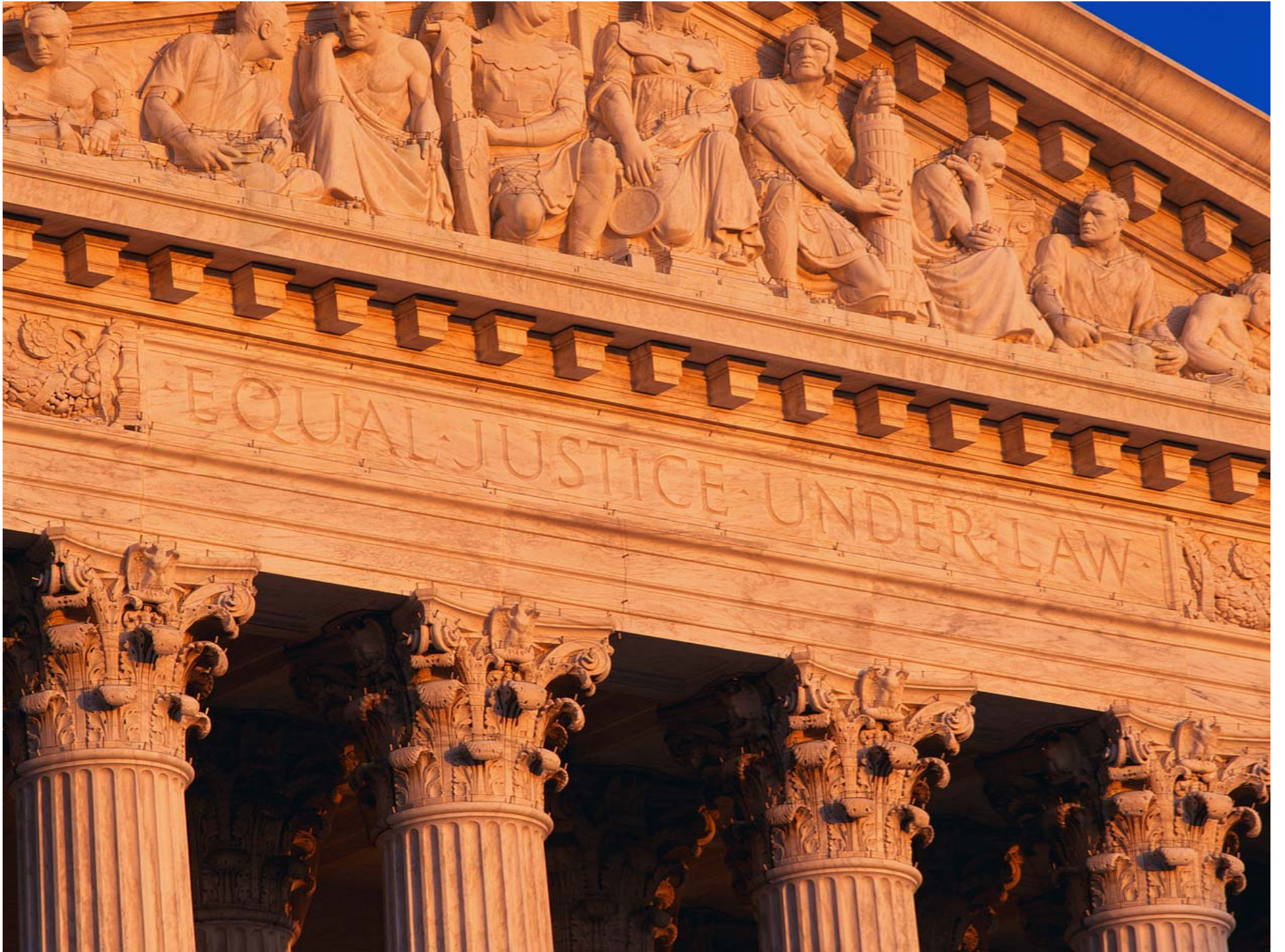


- ❧ Jury service is a citizen's direct participation in the judicial process.
- ❧ Race or gender cannot exclude citizens from serving on a jury.
- ❧ *Batson v. Kentucky*
  - ❖ Race cannot be a barrier to serving.
- ❧ *J.E.B. v. Alabama*
  - ❖ Gender cannot be a barrier to serving.

# Questions



1. Why was the goal of establishing justice listed first in the Preamble of the Constitution?
2. How is justice the foundation for your way of life, your quality of life, and your dreams for the future?
3. Give examples of how injustices have been corrected by the courts.



# Preamble Script - The Federal Courts and You

This activity sets the stage for a discussion. This script lists the 10 phrases in the Preamble to the U.S. Constitution. Ten participants will each read one phrase.

1. We the people of the United States,
2. in order to form a more perfect union,
3. establish justice,
4. insure domestic tranquility,
5. provide for the common defense,
6. promote the general welfare,
7. and secure the blessings of liberty
8. to ourselves and our posterity,
9. do ordain and establish
10. this Constitution for the United States of America.

# Preamble to the U.S. Constitution

Name: \_\_\_\_\_

Date: \_\_\_\_\_

1. More Perfect Union

3. Insure Domestic Tranquility

5. Secure the Blessings of Liberty

7. For Our Posterity

Preamble Establishes Goals of Government

2. Establish Justice

4. Promote the General Welfare

6. For Ourselves

8. Why is Justice Before Other Goals?

# Anniversary of the Federal Court System

## 225th Anniversary of the Federal Court System

2014 is the 225th anniversary of a groundbreaking American innovation – a federal court system separate from the individual state courts.

### Facts About the Judiciary Act of 1789

In the Constitution, Article III deals with the Judicial Branch and focuses only on the Supreme Court. Article III did not cover how the court system would be developed, so the First Congress created the Judiciary Act of 1789 to establish the federal judiciary.

- The Judiciary Act 1789 established the federal court system separate from individual state courts.
- It was one of the first Acts of the First Congress.
- President George Washington signed it into law on September 24, 1789.

### In the Judiciary Act of 1789, the First Congress decided that:

- Congress could regulate the jurisdiction of all federal courts.
- The federal district courts and circuit courts would have specific, limited jurisdiction.
- The Supreme Court would have the original jurisdiction provided for in the Constitution.
- The Supreme Court would handle appeals from the federal circuit courts and appeals from certain cases heard in the state courts.

### Supreme Court Justices and Federal Judges

Supreme Court Justices and federal judges who hear cases in these courts, take an oath that they will perform all of their judicial duties under the Constitution and the laws of the United States. This oath is very meaningful to Judges, many of whom have taken great risks to uphold the rule of law.

### Changes to the Act

A major change was made only after the expansion of the country across the continent and

the unrest of the Civil War. In 1891, Congress created a separate tier of appellate circuit courts which eliminated the necessity of Supreme Court justices traveling to hear cases in different circuits, which was called circuit riding. Since 1891, the structure of the federal courts has remained relatively unchanged.

## The Federal Court System Today

The modern-day Supreme Court is composed of the Chief Justice of the United States and eight Associate Justices. Congress also has created 13 Courts of Appeals and 94 District Courts.



# How Did the Federal Courts Come Into Being?

Name: \_\_\_\_\_

Date: \_\_\_\_\_

## Judiciary Act of 1789

1. Established the federal court system

3. Washington signed law Sept. 24, 1789

5. Specific and limited jurisdiction

2. One of 1st Acts of First Congress

4. Congress can regulate jurisdiction

6. Supreme Court would hear appeals

# What is an Impartial Judiciary?

Name: \_\_\_\_\_

Date: \_\_\_\_\_

## Characteristics of an Impartial Judiciary

Not Influenced By Outside

Can't Impose Own Biases

Doesn't Like Law? Still Must Obey It.

No Catering to Popular Opinions

Can't Make Up Law

Not Unlimited Power