

Lesson 39: Jurisdiction of Federal Courts

(Less. Time 34:42)

[for Sunday, November 29, 2015]

Reading: *The Making of America*, pages 583-607

(Chapter 24) Jurisdiction of Federal Courts

Pre-lesson questions for homework study and review: [*Supplemental* notes are bracketed]

[287 Constitution Provisions “principles” in text.]

1. DESCRIBE THE COMPOSITION OF THE FEDERAL JUDICIARY.

Clear Division of Labor

o Federal Courts

- Eleven kinds of Cases

(Provision) 165 – Judicial Power in one Supreme and Inferior courts

o Vested in one Supreme Court

- size varied from 5 – 9

o State Courts

WHAT'S THE PURPOSE OF HAVING FEDERAL COURTS IN THE STATES? (PAGES 584-85)

[Makes them close to the people without having to travel to Washington.]

2. DID THE FOUNDERS ENVISION STATE CASES BEING APPEALED TO THE FEDERAL COURTS? (585)

o Vested in inferior courts

- Congress to establish

- district

- special

- tax, custom, claims

- courts of appeals (Circuit)

3. HOW LONG SHOULD A FEDERAL JUDGE SERVE? (586-87)

166 – Judges hold office during good behavior

o Insured independence of judges

o serve for life

o Removal by impeachment

4. DESCRIBE THE DIFFERING OPINIONS OF ALEXANDER HAMILTON AND THOMAS JEFFERSON ON THE POTENTIAL THREAT OF THE FEDERAL JUDICIARY. (587-89)

o Hamilton : judiciary least dangerous

o Jefferson : represents the germ of the dissolution of the union.

5. WHAT ADDITIONAL CHECKS DID JEFFERSON SUGGEST FOR CONTROLLING THE JUDICIARY? (589-90)

- suggested the Jefferson amendment

- overturn the SC by 2/3 vote

6. WHAT RESTRICTIONS DOES THE CONSTITUTION IMPOSE WITH REGARD TO THE COMPENSATION OF JUDGES? (591-92)

167 – Judges salary cannot be diminished while in office

o assures preservation

7. HOW BROAD IS THE JURISDICTION OF THE FEDERAL COURTS? HOW DO THEY SERVE AS WATCHMEN OVER CONGRESS? (592-95)

168 – Judicial power extend to all cases in law and equity

- o laws – written statutes

- o equity – matters of fairness

- o would protect states rights

- o cannot make law or set policy (quotes)

8. ENUMERATE AND BRIEFLY DISCUSS THE ELEVEN TYPES OF CASES OVER WHICH THE FEDERAL COURTS WERE GIVEN JURISDICTION BY THE CONSTITUTION.

- o Eleven kinds of cases:

169 – Concerning the Constitution (1)

170 – Questions of Federal Law (2)

- o may declare an unconstitutional law void (judicial review)

171 – Questions concerning treaties and agreements (3)

172 – Cases affecting ambassadors from foreign countries (4)

173 – Admiralty and maritime (5)

- o Cases on the high seas

174 – Cases where the United States is a party (6)

175 – Cases between two or more states (7)

176 – Cases between a state and a citizen of another state (8)

- o Repealed by the 11th amendment

177 – Controversies between citizens of different states (9)

178 – Between citizens of one state over land in different states (10)

- o Still no interference by fed courts within a state (quote)

179 – Between state or citizen and foreign state or subjects (11)

[not a death row inmate's final appeal, as happens often currently!]

WHICH ONE WAS LATER REPEALED? (595-606) •

176 – Cases between a state and a citizen of another state (8)

- o Repealed by the 11th amendment

9. NAME TWO TYPES OF CASES WHICH BOTH BEGIN AND END IN THE SUPREME COURT. (607)
Jurisdiction

- o Appellate Jurisdiction

 - may begin in lower federal court and be appealed upward

- o Original Jurisdiction

 - Must begin at Supreme Court

 - only two types of cases

180 – Original jurisdiction in cases of ambassadors, etc.

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QUIZ - LESSON 39

1. THE FOUNDERS ENVISIONED A CLEAR DIVISION OF LABOR BETWEEN TWO SYSTEMS OF JUDICIARY. NAME THEM.

2. DESCRIBE THE THREE LEVELS OF FEDERAL COURTS.

3. NAME TWO KINDS OF SPECIAL COURTS.

4. HOW LONG DOES A FEDERAL JUDGE REMAIN IN OFFICE? _____

HOW IS HE REMOVED? _____

5. DESCRIBE HAMILTON'S AND JEFFERSON'S POSITION ON WHETHER OR NOT THE FEDERAL COURTS WOULD BECOME A THREAT.

AH: _____

TJ: _____

6. DID JEFFERSON HAVE A SOLUTION? _____ WHAT WAS IT? _____

7. WHY DOES THE CONSTITUTION SAY THAT SALARIES OF FEDERAL JUDGES CANNOT BE DIMINISHED DURING THEIR TIME IN OFFICE?

8. THE POWER OF FEDERAL COURTS EXTENDS TO ALL FEDERAL CASES IN LAW AND IN EQUITY. TELL THE MEANING OF EACH TYPE.

9. THE CONSTITUTION LISTS _____ (GIVE NUMBER) KINDS OF CASES WHICH ARE ASSIGNED TO THE FEDERAL COURTS.

10. GENERALLY, THE CONSTITUTION GIVES THE FEDERAL COURTS AUTHORITY TO HANDLE CASES DEALING WITH _____ LAW, CASES BETWEEN TWO OR MORE _____, AND CASES DEALING WITH _____ NATIONS.

11. THE SUPREME COURT IS SAID TO HAVE _____ JURISDICTION IN TWO KINDS OF CASES, MEANING THEY BOTH BEGIN AND END AT THAT LEVEL. GIVE AN EXAMPLE OF ONE OF THESE.
