

## UNDERSTANDING THE FEDERAL AND STATE COURTS

- **Grade Levels:** 9 - 12
- **Academic Standards:** Civics and Government 5.1E, 5.1L, 5.2C, 5.2E, 5.3G and 5.3H
- This lesson is a supplement to “The Role of Courts in Balancing Liberties and Safety” lesson from the *Law Day 2005 K-12 Lesson Plan Guide*. See the original lesson from the lesson plan guide before working through this supplement. It was shared with the Pennsylvania Bar Association by the Administrative Office of the U.S. Courts.

### Introduction

The United States judicial system is unique insofar as it is actually made up of two different court systems — the federal court system and the court systems of each of the 50 states. While each court system is responsible for hearing certain types of cases, neither is completely independent of the other, and both systems often interact with each other. Solving legal disputes and vindicating legal rights is a primary goal of both court systems. This lesson is designed to examine the differences, similarities and interactions between the federal and state court systems so as to make the public aware of how each system goes about achieving this goal.

### Objectives

After completing this lesson, a student should be able to:

- Understand that the American judicial system is actually made up of two separate court systems: 1) the federal court system; and 2) the court systems of each of the 50 states.
- Know the structure of: 1) the federal court system; 2) a typical state court system; and 3) be able to discuss the similarities and differences between the two.
- Distinguish between the types of cases that are heard in the federal courts and those that are heard in the state courts.
- Comprehend how the 14<sup>th</sup> Amendment to the U.S. Constitution allows the federal courts to become involved in cases arising in state courts and how, subsequently, this allows the two systems to interact.

## **Overview of Key Concepts Student Handout**

### **Why are there two separate court systems in the United States?**

The U.S. Constitution created a governmental structure for the United States known as federalism. Federalism refers to a sharing of powers between the central (federal), or United States government, and the governments of each of the individual 50 states. The Constitution gives certain powers to the federal government and reserves the rest for the states. Therefore, while the Constitution declares that the federal government is supreme with regard to the powers expressly or implicitly delegated to it, the states remain supreme in matters reserved to them. This supremacy of each government in its own sphere is known as “separate sovereignty,” or each government being sovereign in its own right. Likewise, both the federal and state governments need their own court systems in order to apply and interpret their laws. Both the federal and state constitutions attempt to do this by specifically spelling out the jurisdiction of their respective court systems.

For example, since the Constitution gives congress the sole authority to make uniform laws concerning bankruptcies, a state court would lack jurisdiction in this matter. Likewise, since the Constitution does not give the federal government authority in most matters concerning the regulation of the family, a federal court would lack jurisdiction in a divorce case. This is why there are two separate court systems in America. The federal court system deals with issues of law relating to the powers expressly or implicitly granted to it by the U.S. Constitution while the state court systems deal with issues of law relating to the matters that the U.S. Constitution did not give to the federal government nor explicitly deny to the states.

### **Description of the difference in the structure of the federal and state court systems.**

#### **Federal Court System**

The term “federal court” can actually refer to one of two types of courts. The first type of court is what is known as an Article III court. These courts get their name from the fact that they derive their power from Article III of the Constitution. These courts include the U.S. District Courts, the U.S. Circuit Courts of Appeal and the U.S. Supreme Court. They also include two special courts: the U.S. Court of Claims and the U.S. Court of International Trade. These courts are referred to as specialized because, unlike the other courts, they are not courts of general jurisdiction. Courts of general jurisdiction can hear almost any case. All judges of Article III courts are appointed by the President of the United States with the advice and consent of the Senate and hold office during good behavior.

The second type of court also is established by Congress. These courts are magistrate courts, bankruptcy courts, the U.S. Court of Military Appeals, the U.S. Tax Court and the U.S. Court of Veterans’ Appeals. The judges of these courts are appointed by the president with the advice and consent of the Senate. They hold office for a set number of years, usually about 15. magistrate and bankruptcy courts are attached to each U.S. District Court. The U.S. Court of Military Appeals, U.S. Tax Court and U.S. Court of Veterans’ Appeals are called Article I or Legislative Courts.

## **U.S. District Courts**

There are 94 U.S. District Courts in the United States. Every state has at least one district court and some large states, such as California, have as many as four. Each district court has between two and 28 judges. The U.S. District Courts are trial courts, or courts of original jurisdiction. This means that the vast majority of federal cases begin there. They hear both civil and criminal cases. In many cases, the judge determines issues of law while the jury (or judge sitting without a jury) determines findings of fact.

## **US. Circuit Courts of Appeal**

There are 13 U.S. Circuit Courts of Appeal in the United States. These courts are divided into 12 regional circuits and sit in various cities throughout the country. The U.S. Court of Appeals for the Federal Circuit (the Thirteenth Court) sits in Washington. With the exception of criminal cases in which a defendant is found not guilty, any party who is dissatisfied with the judgment of a U.S. District Court (or the findings of certain administrative agencies) may appeal to the U.S. Circuit Court of Appeal in his/her geographical district. These courts only will examine the trial record for mistakes of law — the facts of the case already were determined by the U.S. District Court. As such, the court usually will neither review the facts of the case nor take any additional evidence. When hearing cases, these courts usually sit in panels of three judges.

## **Supreme Court of the United States**

The Supreme Court of the United States sits at the apex of the federal court system. It is composed of nine judges, known as justices, and is presided over by the chief justice. It sits in Washington D.C. Parties who are not satisfied with the decision of a U.S. Circuit Court of Appeal (or, in rare cases, of a U.S. District Court), or a state supreme court can petition the U.S. Supreme Court to hear their case. This is mainly done by a legal procedure known as a Petition for a Writ of Certiorari (cert.). The court has discretion to decide whether or not to accept such cases. The court accepts about 100-150 of the some 7,000 cases it is asked to hear for argument per year. The cases typically fit within general criteria for oral arguments. Four justices must agree to hear the case (grant cert). While primarily an appellate court, the court does have original jurisdiction over cases involving ambassadors and two or more states.

## **Special Article III Courts**

- 1) U.S. Court of Claims: This court sits in Washington D.C. and handles cases involving suits against the government.
- 2) U.S. Court of International Trade: This court sits in New York and handles cases involving tariffs and international trade disputes.

## **Special Courts Created by Congress**

- 1) Magistrate Judges: These judges handle certain criminal and civil matters often with the consent of the parties.
- 2) Bankruptcy Courts: These courts handle cases arising under the Bankruptcy Code.
- 3) U.S. Court of Military Appeals: This court is the final appellate court for cases arising under the Uniform Code of Military Justice.
- 4) U.S. Tax Court: This court handles cases arising over alleged tax deficiencies.
- 5) U.S. Court of Veterans' Appeals: This court handles certain cases arising from the denial of veterans' benefits.

## **State Court Systems**

No two state court systems are exactly alike. Nevertheless, there are sufficient similarities to provide an example of what a typical state court system looks like. Most state court systems are composed of: 1) two sets of trial courts — trial courts of limited jurisdiction (probate, family, traffic, etc.) and trial courts of general jurisdiction (main trial-level courts); 2) intermediate appellate courts (in many, but not all states); and 3) the highest state courts (called by various names). Unlike federal judges, most state court judges are not appointed for life, but are elected or appointed (or a combination of both) for a certain number of years.

### **Trial Courts of Limited Jurisdiction**

Trial courts of limited jurisdiction are those courts that only deal with specific types of cases. They are often located in/near the county courthouse and are usually presided over by a single judge. Most of the cases heard by these courts are heard by a judge sitting without a jury. Some examples of trial courts of limited jurisdiction include:

- **Probate Court:** This court handles matters concerning administering the estate of a person who has died (decedent). It sees that the provisions of a will are carried out or sees that a decedent's property is distributed according to state law if he/she died intestate (without a will).
- **Family Court:** This court handles matters concerning adoption, annulments, divorce, alimony, custody, child-support, etc.
- **Traffic Court:** This court usually handles minor violations of traffic laws.
- **Juvenile Court:** This court usually handles cases involving delinquent children under a certain age — i.e. 18 or 21.
- **Small Claims Court:** This court usually handles suits between private persons of a relatively low dollar amount — i.e. under \$5,000.
- **Municipal Court:** This court usually handles cases involving offenses against city ordinances.

### **Trial Courts of General Jurisdiction**

Trial courts of general jurisdiction are the main trial courts in the state system. They hear cases outside the jurisdiction of the trial courts of limited jurisdiction. These cases are both civil and criminal and usually are heard by one judge (often sitting with a jury). In such cases, the judge decides issues of law while the jury decides issues of fact. A record of the proceeding is made and may be used on appeal. These courts are called by a variety of name including Circuit Courts, Superior Courts, Courts of Common Pleas and, in New York, Supreme Courts. In certain cases, these courts can hear appeals from trial courts of limited jurisdiction.

### **Intermediate Appellate Courts**

Many, but not all, states have intermediate appellate courts between the trial courts of general jurisdiction and the highest court in the state. Any party, except in a case where a defendant in a criminal trial has been found not guilty, who is not satisfied with the judgment of a state trial court may appeal the matter to an appropriate intermediate appellate court. Such appeals are usually a matter of right (meaning the court must hear them). However, these courts only address alleged procedural mistakes and errors of law made by the trial court. They will usually neither review the facts of the case, which were established during the trial, nor accept additional evidence. These courts usually sit in panels of two or three judges.

## **Highest State Courts**

All states have some sort of highest court. While they are usually referred to as supreme courts, some, such as the highest court in Maryland, are known as Courts of Appeal. In states with intermediate appellate courts, the highest state courts usually have discretionary review as to whether or not to accept a case. In states without intermediate appellate courts, appeals usually may be taken to the highest state court as a matter of right. Like the intermediate appellate courts, appeals usually taken allege a mistake of law and not fact. In addition, many state supreme courts have original jurisdiction in certain matters. For example, the highest courts in several states have original jurisdiction over controversies regarding elections and the reapportionment of legislative districts. These courts often sit in panels of three, five, seven or nine judges/justices.

## **What types of cases are heard by federal courts? By state courts?**

*Note: The definitions for the terms that are defined in this section come from Black's Law Dictionary: Seventh Edition.*

## **Jurisdiction of the Federal Courts**

The jurisdiction of the federal courts is spelled out in Article III, Section 2, of the U.S. Constitution. Federal courts are courts of limited jurisdiction because they can only hear two main types of cases. These cases include:

### **1) Diversity of Citizenship:**

Federal courts can have jurisdiction over a case of a civil nature in which the parties are residents of different states and the amount in question exceeds the amount set by federal law (currently \$75,000). The federal courts often are required to apply state law when dealing with these cases since the issues concern matters of state law. The fact that the parties are residents of different states and that the amount in question is high enough is what manages to get such cases into federal court.

### **2) Federal Question**

Federal courts have jurisdiction over cases that arise under the U.S. Constitution, the laws of the United States and the treaties made under the authority of the United States. These issues are the sole prerogative of the federal courts and include the following types of cases:

- a) Suits between states – cases in which two or more states are a party.
- b) Cases involving ambassadors and other high-ranking public figures – cases arising between foreign ambassadors and other high-ranking public officials.
- c) Federal crimes – Crimes defined by or mentioned in the U.S. Constitution or those defined and/or punished by federal statute. Such crimes include treason against the United States, piracy, counterfeiting, crimes against the law of nations and crimes relating to the federal government's authority to regulate interstate commerce. However, most crimes are state matters.
- d) Bankruptcy – The statutory procedure, usually triggered by insolvency, by which a person is relieved of most debts and undergoes a judicially supervised reorganization or liquidation for the benefit of the person's creditors.

- e) Patent, copyright and trademark cases
  - i) Patent – The exclusive right to make, use or sell an invention for a specified period (usually 17 years) granted by the federal government to the inventor if the device or process is novel, useful and non-obvious.
  - ii) Copyright – The body of law relating to a property right in an original work of authorship (such as a literary, musical, artistic, photographic or film work) fixed in any tangible medium of expression, giving the holder the exclusive right to reproduce, adapt, distribute, perform and display the work.
  - iii) Trademark – A word, phrase, logo or other graphic symbol used by a manufacturer or seller to distinguish its product or products from those of others.
- f) Admiralty – The system of jurisprudence that has grown out of the practice of admiralty courts. Courts that exercise jurisdiction over all maritime contracts, torts, injuries and offenses.
- g) Anti-trust – The body of law designed to protect trade and commerce from restraining monopolies, price-fixing and price-discrimination.
- h) Securities and banking regulation – The body of law protecting the public by regulating the registration, offering and trading of securities and the regulation of banking practices.
- i) Other cases specified by federal statute – Any other cases specified by an applicable federal statute.

In addition, the federal courts have jurisdiction over several other types of cases arising from acts of Congress. For example, the courts have jurisdiction in a wide variety of civil rights, labor relations and environmental cases. While these laws provide a “floor” for the states, they do not provide a “ceiling.” If states regulate more extensively in these areas than the federal government, then state courts also will have jurisdiction in these areas.

### **Jurisdiction of the State Courts**

The jurisdiction of the state courts extends to basically any type of case that does not fall within the exclusive jurisdiction of the federal courts. State courts are common-law courts. This means that they not only have the authority to apply or interpret the law, but also often have the authority to create law if it does not yet exist by act of the legislature in order to create an equitable remedy to a specific legal problem. Examples of cases within the jurisdiction of the state courts usually include:

- 1) Cases involving the state constitution – Cases involving the interpretation of a state constitution.
- 2) State criminal offenses – Crimes defined and/or punished by the state constitution or applicable state statute. Most crimes are state criminal offenses. They include offenses such as murder, theft, breaking and entering, destruction of property, etc.
- 3) Tort and personal injury law – Civil wrongs for which a remedy may be obtained, usually in the form of damages or a breach of duty that the law imposes on everyone in the same relation to one another as those involved in a given transaction.
- 4) Contract law – Agreements between two or more parties creating obligations that are either enforceable or otherwise recognized by law.
- 5) Probate – The judicial process by which a testamentary document is established to be a valid will; the proving of a will to the satisfaction of a court; the distribution of a decedent’s

assets according to the provisions of the will; or the process whereby a decedent's assets are distributed according to state law should the decedent die intestate (without a will).

6) Family – The body of law dealing with marriage, divorce, adoption, child custody and support and domestic-relations issues.

7) Sale of goods – The law concerning the sale of goods (moveable objects) involved in commerce (especially with regards to the Uniform Commercial Code).

8) Corporations and business organization – The law concerning, among other things, the establishment, dissolution and asset distribution of corporations, partnerships, limited partnerships, limited liability companies, etc.

9) Election issues – The law concerning voter registration, voting in general, legislative re-apportionment, etc.

10) Municipal/Zoning Ordinances – The law involving municipal ordinances; including zoning ordinances that set aside certain areas for residential, commercial, industrial or other development.

11) Traffic regulation – A prescribed rule of conduct for traffic; a rule intended to promote the orderly and safe flow of traffic.

12) Real property – Land and anything growing on, attached to or erected on it; excluding anything that may be severed without injury to the land.

### **Areas of Concurrent Jurisdiction for Federal and State Courts**

In addition to areas in which the states have regulated on a matter more extensively than the federal government, state courts have concurrent jurisdiction with federal courts concerning the following points of law:

1) Diversity of Citizenship: In civil cases involving citizens of two or more states in which the dollar amount in question exceeds \$75,000, a state court may hear the case if the defendant in the case does not petition to have the case removed to federal court.

Furthermore, if a civil case involves two or more citizens of different states but the amount in question does not exceed \$75,000, the case must be heard by a state court.

2) Federal Question: Any state court may interpret the U.S. Constitution, federal statute, treaty, etc. if the applicable constitutional provision, statute or treaty has direct bearing on a case brought in state court under a state law. However, by interpreting the U.S. Constitution, federal statute or treaty, the state is subjecting itself to federal review. This means that after a state supreme court has acted on a case, the U.S. Supreme Court may review it. In such instances, the U.S. Supreme Court is only concerned with reviewing the state court's interpretation of the applicable federal constitutional provision, statute or treaty. It does not review any matters of law that are under the exclusive jurisdiction of the state courts.

## How does the Fourteenth Amendment to the U.S. Constitution allow the federal courts to become involved in cases arising in state courts? How does this allow the two systems to interact?

### Text

Section I of the Fourteenth Amendment to the U.S. Constitution states in pertinent part that:

*“...No State shall make or enforce any law which shall abridge the privilege or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”*

### History

The Fourteenth Amendment was ratified in 1868, shortly after the Civil War. It was created primarily to ensure that the rights of former slaves (freed by the Thirteenth Amendment in 1865) would be protected throughout the nation. The need for the amendment was great because up to this time, the provisions of the Bill of Rights were not enforceable against state governments. This was due to the case *Barron v. Baltimore* (1835). In this case, the U.S. Supreme Court held that the provisions of the Bill of Rights only were enforceable against the federal government (and not against state governments) due to the federal structure of the nation. Therefore, without a constitutional amendment justifying federal intervention in the affairs of the states, states hostile to the interests of the newly freed slaves might still legally discriminate against or persecute them.

While some of the amendment’s supporters felt that the amendment would incorporate all of the provisions of the federal Bill of Rights to the states, this was not to be. In the *Slaughterhouse Cases* (1875), the view of these supporters was rejected, and the U.S. Supreme Court held that the “privilege and immunities” clause did not automatically incorporate (apply) all of the provisions of the Bill of Rights to the state. Over time, the court began to use the “due process” clause of the Fourteenth Amendment to achieve the same end. The following is a list of all the provisions of the Bill of Rights that have thus far been incorporated by the U.S. Supreme Court to the states through the “due process” clause.

Year	Amendment	Constitutional Provision Incorporated	Supreme Court Case
1897	Fifth	Just compensation clause	<i>Chicago, Burlington, Quincy Railroad Co. v. Chicago</i>
1925	First	Freedom of speech	<i>Gitlow v. New York</i>
1931	First	Freedom of the press	<i>Near v. Minnesota</i>
1932	Sixth	Right to counsel (in capital cases)	<i>Powell v. Alabama</i>
1937	First	Freedom of assembly/petition	<i>DeJonge v. Oregon</i>
1940	First	Free exercise clause	<i>Cantwell v. Connecticut</i>
1947	First	Establishment clause	<i>Everson v. Brd. of Education</i>
1948	Sixth	Right to a public trial	<i>In re Oliver</i>
1949	Fourth	Protection against unreasonable search and seizures	<i>Wolf v. Colorado</i>

1962	Eighth	Prohibition on cruel and unusual	<i>Robinson v. California</i>
1963	Sixth	Right to counsel (non-capital felonies)	<i>Gideon v. Wainwright</i>
1964	Fifth	Right against self-incrimination	<i>Malloy v. Hogan</i>
1965	Sixth	Right to confront adverse witnesses	<i>Pointer v. Texas</i>
1966	Sixth	Right to an impartial jury	<i>Parker v. Gladden</i>
1967	Sixth	Right to a speedy trial	<i>Klopfer v. North Carolina</i>
1967	Sixth	Right to obtain favorable witnesses	<i>Washington v. Texas</i>
1968	Sixth	Right to a trial by jury in non-petty criminal cases	<i>Duncan v. Louisiana</i>
1969	Fifth	Prohibition of double jeopardy	<i>Benton v. Maryland</i>
1972	Sixth	Right to counsel in imprisonable non-felony cases	<i>Argersinger v. Hamlin</i>

It is important to note that not all provisions of the Bill of Rights have been incorporated to the states. In fact, in some cases, the U.S. Supreme Court has expressly refused to do so. For example, in *Hurtado v. California* (1884), the court refused to incorporate the Fifth Amendment's grand jury requirement to the states.

*Note:* This chart is from page 215 of the book The Bill of Rights: A User's Guide by Linda R. Monk. Monk, Linda R. The Bill of Rights A User's Guide Second Edition. Close Up Foundation. 1995.

### **Interactions Between the State and Federal Systems**

The Fourteenth Amendment to the U.S. Constitution allows the federal courts to become involved in state cases if one of the rights protected (meaning incorporated) by the Fourteenth Amendment comes into play. The Fourteenth Amendment offers significant protection for personal liberties in that it opens the federal courts to those who are unsatisfied with the decisions of state courts when an incorporated (applicable) federal constitutional provision is called into question.

In addition, the Fourteenth Amendment allows persons to sue in federal court if they believe that a state law or regulation deprives them of the “equal protection of the laws.” The famous case of *Brown v. Board of Education* (1954) is an example of a situation where the equal protection clause was used in such manner. This case struck down segregation in public schools, citing the practice as a violation of the federal equal protection clause. However, the states are free to do more than the minimum required by the Fourteenth Amendment and the U.S. Constitution. For example, in the case of *San Antonio Independent School District v. Rodriguez* (1973), the U.S. Supreme Court held that the unequal quality of school districts in rich and poor communities in Texas did not violate the Fourteenth Amendment’s equal protection clause. In the case of *Edgewood v. Kirby* (1989), however, the Texas Supreme Court found that the unequal quality of the state’s school districts did violate the Texas Constitution.

## CASE STUDY FOR STUDENTS

The judges and courtroom coordinators will guide students through the case of *Michigan Department of Police v. Sitz*. This case explores the nature of the two court systems (federal and state) that make up the American judicial system and how they interact with each other.

*Michigan Department of Police v. Sitz*  
496 U.S. 444 (1990)

*Sitz v. Michigan Department of Police*  
193 Mich. App 690 (1993)

### Introduction

The purpose of this case study is to provide an actual case to serve as the basis for examination of the differences, similarities and interactions between the federal and state court systems. These cases demonstrate many of the key concepts that this lesson teaches. Among other things, it demonstrates how a case involving a state legal issue can make its way into the federal court system. It also provides examples of the cases that each court system handles. In addition, it demonstrates that while the U.S. Supreme Court is the final arbiter of the U.S. Constitution, the individual state supreme courts are the final arbiters of their respective state constitutions. As the facts of the case are presented, one should be aware of the following key concepts:

### Key Concepts

- Sobriety checkpoints are established in order to help law enforcement agencies combat driving under the influence (DUI) and driving while intoxicated (DWI).
- Both DUI and DWI are state crimes that are tried in and punished by state courts.
- The Fourth Amendment to the U.S. Constitution prohibits “unreasonable searches and seizures.”
- Through judicial interpretation of the Fourteenth Amendment of the U.S. Constitution, most of the provisions of the federal Bill of Rights have become incorporated (or made applicable) to the states.
- The state courts can interpret the U.S. Constitution subject to final review by the U.S. Supreme Court.
- Federal courts cannot interpret state constitutions or state law.
- This case went before both the U.S. Supreme Court and the Michigan Supreme Court.
- Federal constitutional law provides a “floor” for individual rights that state courts may not go below. It does not provide a “ceiling” that state courts may not go above.

## Facts of the Case

### *Michigan Department of Police v. Sitz*

There are actually two separate cases involved in this case study, though both have the same parties, issues and set of facts. The first case is known as *Michigan Department of Police v. Sitz*. This case was a civil, not criminal, class action suit. It arose when the Michigan Department of Police began using random sobriety checkpoints on state roads in an attempt to crack down on drinking and driving. Litigation was initiated by a group of licensed drivers that alleged that such checkpoints violated the Fourth Amendment's prohibition against "unreasonable searches and seizures." Rick Sitz was the named party in the class action suit that sought to stop the actions of the Michigan State Police in this matter. The trial court ruled in the drivers' favor. The Michigan Court of Appeals affirmed the trial court's decision.

The Michigan Department of Police then appealed to the Michigan Supreme Court. When the Michigan Supreme Court refused to hear the case, the police petitioned the U.S. Supreme Court for a writ of certiorari to review the Michigan Court of Appeals' interpretation of the Fourth Amendment. The U.S. Supreme Court granted the police department's request and agreed to hear the case. Since the U.S. Supreme Court acknowledged that the sobriety checkpoints did constitute a "seizure" within the meaning of the Fourth Amendment, the only question for the court to resolve was whether or not the seizure was unreasonable.

Writing for the majority, Chief Justice Rehnquist stated that "...the State's interests in preventing drunken driving, the extent to which this system can reasonably be said to advance that interest, and the degree of intrusion upon the individual motorists who are briefly stopped, weighs in favor of the state program." The U.S. Supreme Court concluded that the Michigan Court of Appeals erred in saying that the sobriety checkpoints violated the Fourth Amendment. The U.S. Supreme Court reversed the decision of the lower court and remanded (sent back) the case to that court with instructions to act in a manner consistent with the U.S. Supreme Court's opinion.

### *Sitz v. Michigan Department of Police*

After losing in the federal courts, the licensed drivers of Michigan continued to pursue their suit in the Michigan state court system. This time, they alleged that the sobriety checkpoints violated Article 1, Section 11, of the Michigan Constitution that also prohibited "unreasonable searches and seizures." On remand from the U.S. Supreme Court, the Michigan Court of Appeals recognized that while the checkpoints did not violate the Fourth Amendment to the U.S. Constitution, it agreed with the drivers and held that the checkpoints did violate Michigan's Constitution. When the case came before the Michigan Supreme Court, it affirmed the Michigan Court of Appeals' decision saying that:

"...[the] Constitutional liberties include the right to travel, and automobiles generally may not be searched absent probable cause. In this case, the state police erected sobriety checkpoints along state highways, at which all vehicles were required to stop. While stopped, the drivers were briefly inspected by officers for signs of intoxication, and permitted to resume their travels if no signs were detected. This warrantless, suspicionless stop of vehicles for the purposes of criminal investigation violated the Michigan Constitution."

Furthermore, the court tried to reconcile its decision with the U.S. Supreme Court's decision in this matter by stating that federal constitutional law provides a "floor" for state court litigation, and while "...state judges must not adopt state constitutional rules which fall below this floor; courts may, however, appeal to the relevant state constitution to establish a higher 'ceiling' of rights for individuals." In other words, the Michigan Supreme Court found that the Michigan Constitution provided a higher "ceiling" for individual rights than did the U.S. Constitution in this particular case.

## Questions for Discussion

The following are examples of some questions that may be asked to see if the students understand the case study. The judges and courtroom coordinators should feel free, and are encouraged, to add more.

**1. Describe the structure of the Michigan court system as it appeared in this case. How much does it represent the “typical” court system presented in this lesson?**

The Michigan Court system has a trial level court, an intermediate appellate court called the Michigan Court of Appeals and the state’s highest court called the Michigan Supreme Court. The Michigan Supreme Court has discretionary review, which means that it decides which cases to hear. This court system is similar to the typical system presented in this lesson. No courts of limited jurisdiction were mentioned in this case.

**2. Why was the U.S. Supreme Court able to hear this case?**

The drivers who brought this case alleged that it violated their Fourth Amendment right against unreasonable searches and seizures. The Fourteenth Amendment to the U.S. Constitution incorporated (applied) the Fourth Amendment’s protections to the states. Since the state court interpreted this provision of the federal Constitution, it subjected itself to review by the U.S. Supreme Court.

**3. How could the same issue be raised again in a state court if the U.S. Supreme Court had already ruled on it? In saying that the sobriety checkpoints violated the Michigan Constitution, did the Michigan Supreme Court overrule the U.S. Supreme Court? Can this be done?**

Although the facts of the case had not changed, the legal arguments did. When the case came before the U.S. Supreme Court, the drivers argued that the sobriety checkpoints violated the Fourth Amendment to the U.S. Constitution. When the court said there was no constitutional violation, the drivers challenged the action in state court. This time, they alleged a violation of Michigan’s Constitution, which also prohibited unreasonable searches and seizures.

The Michigan Supreme Court ultimately concluded that the sobriety checkpoints did violate the Michigan Constitution. Since the Michigan Supreme Court was solely interpreting the state’s constitution, it did not overrule the U.S. Supreme Court. A state court cannot overrule the U.S. Supreme Court when the court has interpreted a provision of the federal Constitution, a federal statute, treaty, etc. In fact, if the U.S. Supreme Court has spoken on a constitutional issue, only a constitutional amendment or subsequent decisions of the court can change it. If it has spoken on a statute, an act of Congress may be sufficient to change it.

**4. What does this case say about the American judicial system?**

This case is an example of how the federal and state court systems interact with each other. Both the federal Constitution and the state Constitution of Michigan came into play. The case showed how the federal courts are the final arbiters of federal law and the U.S. Supreme Court is the ultimate arbiter. However, it also showed how the state courts have vast powers when dealing with matters reserved to their sphere – i.e. state constitutional law. It demonstrated that the federal courts often provide a “floor” for citizens’ rights that state

courts may not go below. Moreover, it also showed how state courts can, and do, raise the “ceiling” for some of these rights.

## STUDENT ACTIVITY

### **Can You Make a Federal Case Out of it?**

In this activity, students will be given the facts of a case and asked whether the case belongs in federal or state court. After this, for applicable state cases, students will be referred to an appropriate constitutional provision and asked how they can “make a federal case out of it.” For example, in the case of *Gideon v. Wainwright*, the students would be told that the defendant was accused of breaking and entering; however, he was indigent (without resources) and was denied the assistance of counsel when he asked for it at his trial. The student should respond that the breaking and entering is a state offense that is handled by the state court system. However, since the defendant was denied his Sixth Amendment right to counsel, the federal courts also could hear his appeal.

### **1. *Gideon v. Wainwright* (State and Federal)**

Facts: The defendant, Clarence Earl Gideon, was alleged to have broken into a pool hall with the intent to commit a misdemeanor once inside. This led to his being charged with the felony of breaking and entering. He was subsequently arrested, tried, convicted and sentenced to a prison term of five years. However, Gideon was also indigent (without funds) and was not able to afford an attorney. He asked the trial judge to assign him an attorney for free saying that such action was required by the Sixth Amendment to the U.S. Constitution. The trial judge, however, stated that the Sixth Amendment did not require such action to be taken in this case and denied his request.

### **Which court system (state or federal) would have handled Gideon’s case for the crime of breaking and entering? Why?**

The vast majority of crimes are a matter of state law. Breaking and entering is an example of a crime that is left to the states to define and punish. Therefore, a state court would have handled this case. The Florida courts did so in real life. *Note: Provide students with a copy of the Sixth Amendment.*

### **How did this case reach the federal courts?**

The Sixth Amendment to the U.S. Constitution states in pertinent part:

“In all criminal prosecutions, the accused shall...have the Assistance of Counsel for his defense.”

Since the due process clause of the Fourteenth Amendment was being used to incorporate many provisions of the Bill of Rights to the states, Gideon argued that the state trial court’s denial of his petition for an attorney free of charge violated his Sixth Amendment right to the assistance of counsel for his defense. The state trial court ruled against Gideon and found no violation of the Sixth Amendment. Since a state court ruled on an issue of federal law, this allowed the U.S. Supreme Court to review the case after the Florida Supreme Court had finished with it. The U.S. Supreme Court sided with Gideon.

## **2. *Bell v. Burson* (State and Federal)**

Facts: A certain law stated that uninsured motorists who were involved in an accident would automatically have their licenses suspended. The law did not provide an opportunity for a hearing to determine whether or not the uninsured motorist was at fault before suspending his/her license. Paul Bell was an uninsured motorist whose license was suspended when he was involved in an accident. He claimed that he was not at fault and argued that the law in question violated his constitutional rights by depriving him of his license without due process of law. In this context, due process of law basically means “fair play” – i.e. fairness would demand that his license not be suspended until he was given the opportunity to be heard and present his side of the story. The trial court said his constitutional rights were not violated.

### **Which court system (state or federal) usually hears cases concerning traffic regulations, such as, in this case, the suspension of a driver’s license? Why?**

Most issues concerning traffic regulations (such as licensing drivers or suspending their licenses) are matters left to the states. Therefore, the state courts have the primary responsibility for dealing with these types of cases. In this case, the Georgia courts upheld the state law and said that the state could suspend Paul Bell’s license without providing a hearing to determine if he was at fault. *Note: Provide students with a copy of Section I of the Fourteenth Amendment to the U.S. Constitution.*

### **How did this case reach the federal courts?**

Section I of the Fourteenth Amendment to the U.S. Constitution states in pertinent part: “... nor shall any State deprive any person of life, liberty, or property, without due process of law...”

The text of the Fourteenth Amendment states that no state shall deprive a person of life, liberty or property without due process of law. Since the Georgia courts interpreted this constitutional provision by holding that Bell’s due process rights were not violated, they subjected themselves to review by the U.S. Supreme Court. The U.S. Supreme Court ultimately sided with Bell.

## **3. *The Scotia* (Federal)**

Facts: In the early 1800’s, an American sailing vessel, the Berkshire, and a British sailing vessel, the Scotia, collided on the high seas. The owners of the Berkshire claimed that the Scotia was at fault and sought indemnification (payments for losses) from the owners of the Scotia. The British owners sued in an American court. The owners of the Scotia countered that the Berkshire was responsible for the collision because it failed to adhere to generally accepted principles of international law that require ships to alert others of their position. Since this case involves issues arising on the high seas and between ships, it is an admiralty case.

### **Which court system (state or federal) has jurisdiction over admiralty cases such as the one involving the Scotia? Why?**

The Constitution gives the federal courts exclusive jurisdiction over admiralty cases. Therefore, the federal courts had jurisdiction over this case. The U.S. Supreme Court found that since the Berkshire failed to adhere to applicable standards of international law designed to avoid collisions, the owners of the Scotia would not have to indemnify the owners of the Berkshire for any losses that it sustained.

#### **4. *United States v. General Dynamics Corporation* (Federal)**

Facts: Monopolies arise when a company dominates the market in its line of business. Due to various laws, most monopolies have been outlawed in the United States. One law goes further than simply outlawing monopolies, it also prohibits mergers when the effect of such an action would be to “substantially lessen competition” (allow the merging companies to gain a monopoly in their line of business). However, the law in question failed to define the term “substantially lessen competition.” When two companies, each controlling a substantial portion of the coal industry, decided to merge, the government intervened and sued in court to prevent the merger. The government argued that the merger violated the law because the merged firm would control an “undue percentage share” of the relevant market, and the merger resulted in a significant increase “in concentration in the relevant market.” General Dynamics countered that the effects of the merger had to be viewed within the context of the industry, not from some objective standard. Thus, the merger would not be illegal because the context of the industry would show that the merger was justified and did not “substantially lessen competition.”

**Which court system (state or federal) usually hears cases involving violations of anti-trust statutes such as the one, in this case, that General Dynamics Corporation was accused of violating? Why?**

The federal courts preempt the state courts in matters of anti-trust law. As a result, the federal courts usually hear anti-trust cases. Most anti-trust cases are brought under federal statutes such as the Sherman Anti-Trust Act or the Clayton Act. In this case, the U.S. Supreme Court sided with General Dynamics Corporation and stated that the Clayton Act does not necessarily prevent mergers between two or more companies that control large portions of a market if their intention is not to “substantially limit competition.” Other factors, such as “functionally viewing” actions in the context of the industry in which they were undertaken, should be taken under consideration as well.

#### **5. *Illinois v. Wardlow* (State and Federal)**

Facts: A man named Wardlow lived in the city of Chicago. Due to large-scale drug trafficking, the area where Wardlow resided was regarded by the police as a high-crime area. While walking one day, Wardlow saw two police officers who were engaged in a raid in the local neighborhood. At this point, Wardlow fled and the police chased him. Upon catching him, they frisked him for weapons and found an unregistered handgun. He was charged with carrying an unregistered handgun and brought to trial. At his trial, he argued that the frisk violated his Fourth Amendment right against “unreasonable searches and seizures” since the police never had any suspicion that he engaged in any illegal activity. The police countered that his flight gave them the necessary level of suspicion for purposes of allowing them to frisk him for weapons.

**Which court system (state or federal) usually handles most criminal matters, including, in Wardlow’s case, possessing an unregistered handgun? Why?**

The U.S. Constitution does not give the federal government blanket authority to define and punish crimes. The federal government may define and punish only those offenses arising out of a power granted by the Constitution. This leaves the states in a position to define and punish most crimes, including many crimes concerning handguns. Therefore, this case would be handled in a state court system. In this case, the Illinois trial court ruled that the frisk was

justified and did not violate Wardlow's Fourth Amendment rights. *Note: Provide the students with a copy of the Fourth Amendment.*

### **How did this case reach the federal courts?**

The Fourth Amendment states in pertinent part:

"The right of people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated..."

Since the "due process" clause incorporates most of the provisions of the Bill of Rights (including the provisions of the Fourth Amendment) to the states, it can be argued that the trial court erred in holding that the frisk did not violate Wardlow's Fourth Amendment rights. Since the trial court ruled on a matter of federal law, the U.S. Supreme Court could ultimately review the case. What is unique in this case is that Wardlow won on appeal in the state courts. Both the Illinois Court of Appeals and the Illinois Supreme Court reversed the trial court and held that Wardlow's Fourth Amendment rights had been violated. However, Wardlow was not yet free. Since these courts interpreted the U.S. Constitution, their interpretations were still subject to ultimate review by the U.S. Supreme Court. The State of Illinois appealed to the U.S. Supreme Court and claimed that the Illinois appellate courts erred in their interpretation of the Fourth Amendment. The U.S. Supreme Court heard the case and overruled the Illinois appellate courts. It held that flight from the police does satisfy the Fourth Amendment's "reasonableness" requirements with regard to conducting a frisk for a weapon.

### **6. *Orr v. Orr* (State and Federal)**

Facts: A law concerning divorce only permitted alimony orders (court orders mandating the payment of support to a former spouse) to be entered against males; meaning only former wives could receive alimony payments. After a divorce suit, a court ordered a former husband to pay alimony to his ex-wife. When he refused to do so, the ex-wife sued to have the alimony enforced. At this point, the man claimed that the law requiring only males to make alimony payments violated the "equal protection" clause of the U.S. Constitution because men with financial hardships would not be able to receive alimony awards.

### **Which court system (state or federal) would usually handle matters concerning divorce and alimony? Why?**

Issues concerning marriage, divorce and alimony are left up to the states, and the state courts are responsible for hearing such cases. In fact, state courts of limited jurisdiction, usually known as family courts, are primarily responsible for hearing these cases. The Alabama state court system heard this divorce case. It said that the state's alimony law did not violate the Fourteenth Amendment's equal protection clause. *Note: Provide the students with a copy of Section I of the Fourteenth Amendment.*

### **How did this case reach the federal courts?**

Section I of the Fourteenth Amendment to the U.S. Constitution provides in pertinent part:

"...nor shall any State...deny to any person within its jurisdiction the equal protection of the laws."

Since the state courts in Alabama interpreted the federal Constitution, they subjected themselves to review by the U.S. Supreme Court. The U.S. Supreme Court agreed with the ex-husband in this case and said that alimony laws requiring only males to pay alimony violated the Fourteenth Amendment's equal protection clause.

### **7. *McPherson v. Buick Motor Company* (State)**

Facts: This is an example of a case involving tort law (torts are cases that deal with injuries occurring between two private parties). This case arose out of an injury that Donald C. McPherson sustained from a car manufactured by Buick Motors Company. He sought monetary damages to compensate him for his injury. However, Buick Motors Company claimed that it did not intend to injure McPherson, and it did not sell the defective car directly to him. The company sold the car to a retailer who in turn sold it to McPherson. Buick Motors argued that it could not be held liable under any existing system of tort law because it neither committed an "intentional tort" nor did it commit a tort of "negligence" since there was no causation (direct interaction) between the company and McPherson. On appeal, McPherson argued that the court should use its common law powers to hold manufacturers responsible for defective products they produce regardless of their intent to harm or the causation between the parties. The appellate court agreed.

**Which court system (state or federal) hears most tort and personal injury cases? Which courts (state or federal) have common law powers to create law or fill gaps in existing law in order to reach an equitable solution to a given legal problem, such as the one mentioned in this case?**

The answer to both of these questions is the state court system. In general, torts are a matter that the U.S. Constitution reserves to the state courts. Furthermore, the authority of courts to use their common law powers to make or fill gaps in the law for equitable reasons is a sole prerogative of the state courts. The federal courts have no such right with regard to their power to hear cases involving federal questions. They do, however, have some common law powers when hearing diversity of citizenship cases because, in these cases, they are applying state law. This case is well known because it established the principle in tort law of allowing manufacturers to be held responsible for their defective products even in the absence of intent to cause harm or causation. This is known as the principle of "strict-liability." The federal courts were not involved in this case.

### **8. *Lucy v. Zehmer* (State)**

Facts: This case involves contract law. In order for courts to find contracts binding, six elements must be present. One of these elements is called an offer, meaning someone offers to do, or refrain from doing, something – i.e. an offer to sell a house. In order for an offer to be made, the person making the offer must intend to make it. Some courts use a "reasonable person" standard to determine whether or not an offer was made. The reasonable person standard asks whether or not a reasonable person would assume that the person making the offer had an intent to enter into a contractual relationship. In this case, two people, W.O. Lucy and A.H. Zehmer, had a few drinks together. During the course of the evening, Lucy made an offer to buy Zehmer's farm. Zehmer accepted the offer, and Lucy made the necessary legal and financial arrangements. Regretting what he had done, Zehmer tried to back out of the contract saying he had not accepted Lucy's offer because he thought that Lucy had made it in jest. Lucy countered that he had made

a reasonable offer for the property. He said that although both persons were drinking at the time, Zehmer did not appear to be intoxicated when the offer was made; therefore, Lucy took him at his word. Furthermore, since Lucy had already made several provisions concerning the sale, he would not let Zehmer back out. The parties went to court to determine whether an offer actually existed? The court found that Lucy had made a legitimate offer that Zehmer had accepted.

**Which court system (state or federal) usually handles matters concerning contract law; such as, in the current case, determining if an offer has been made? Why?**

Contract law is another area of law that is left primarily to the states. Cases involving contracts are usually handled in state courts. Since the subject of the contract in this case involves a subject, real property, which is another prerogative of the states, the state courts would certainly have jurisdiction over this case. Occasionally, federal courts also have jurisdiction over cases involving contracts when one of the parties to the contract is the federal government.

**9. *New Jersey v. New York* (Federal)**

Facts: Part of the boundary between the states of New York and New Jersey runs along Ellis Island (an island off the shore of Manhattan). When new land formed near the island due to accretion (steady buildup of sediments and deposited soil), both New York and New Jersey laid claim to it. When the states failed to reach a satisfactory agreement as to which state owned the new land, the states brought the matter to court.

**Which court system (state or federal) would have handled this case. Why?**

Legal cases arising between two or more states are always heard in the federal court system, and the U.S. Supreme Court has original jurisdiction over these cases. This means that the U.S. Supreme Court is the only federal court that may hear them.

## **Fun Facts Federal and State Courts**

In the case of *United States v. Lanza* (1922), the U.S. Supreme Court held that the “double jeopardy” clause of the Fifth Amendment does not prevent the state and federal governments from punishing offenses against their peace and dignity since each government is an independent sovereignty. In other words, a person may be tried in both federal and state court if an offense violates both state and federal laws.

In *Heath v. Alabama* (1985), the U.S. Supreme Court ruled that the Fifth Amendment’s “double jeopardy” clause is not violated if two states prosecute a person for an offense that violated both of their laws. A person can be tried in two different state courts if their offense violated the laws of both states.

In the case of *Cohens v. Virginia* (1821), Chief Justice John Marshall asserted that while the state courts were the final arbiters of their own constitutions, the U.S. Supreme Court was the final arbiter of the federal Constitution.

The American legal system is known as a common law system. Common law refers to the legal system that originated in England and is now used in the United States. It relies on expanding legal principles in a historic succession of judicial decisions. These principles can be changed by legislation.

In the case of *Hudson & Goodwin v. United States* (1812), the U.S. Supreme Court held that the federal courts were without power to punish “common law” crimes. Common law crimes are those not statutorily defined (made criminal by an act of Congress), but were actions regarded as crimes in Great Britain at the time of the revolution. The court stated that the federal courts may not punish any action as a crime unless Congress made it a crime by a particular act of legislation.

To a certain extent, Congress may be permitted to limit the authority of the Supreme Court’s appellate jurisdiction. In the case of *Ex Parte McCardle* (1867), the court recognized that the Constitution provided that the Supreme Court was to exercise its appellate jurisdiction “...with such exceptions, and under such regulations as the Congress shall make.” Thus, the court upheld an act of Congress limiting the court’s own authority to grant writs of habeas corpus. However, in the case of *U.S. v. Kline*, the court stated that Congress may not use its authority to limit the court’s jurisdiction in an attempt to control the results of a particular case.