

Pursuant to an arrest warrant issued by a federal judge, FBI agents arrested a state governor for an alleged violation of federal law. The governor was then placed in a federal lockup facility. A state judge has issued a writ of habeas corpus against the director of the lockup facility on the ground that the federal law in question violates the Tenth Amendment.

Is the writ valid?

- A. No, because only federal courts can issue habeas writs for individuals in federal custody. (56%)
- B. No, because the arrest was made pursuant to a warrant. (19%)
- C. Yes, because state sovereignty shields the governor from federal coercion. (4%)
- D. Yes, because the Constitution guarantees the availability of habeas corpus. (19%)

Correct

56% Answered correctly

01 min, 47 secs Time Spent

2023 Version

Explanation:

A **writ of habeas corpus** is a court order that a person in custody be brought before the court to determine if his/her detention is legal. When the **person is in federal custody** (as seen here), **only a federal court can issue** a writ of habeas corpus to challenge that person's detention. **State courts are prohibited from challenging** the legality of a person being held in federal custody. That is because the **supremacy clause** seeks to promote the supremacy of federal action over state action. As a result, the writ issued by the state judge is invalid.

(Choice B) The arrest of the governor was constitutional because it was made pursuant to a warrant. However, the writ of habeas corpus is unconstitutional because it was issued by a state judge to challenge the detention of a person in federal custody.

(Choice C) The [Eleventh Amendment](#) generally bars private parties and foreign governments from suing state officials in federal court for violations of federal law while acting in their official capacities. But the Eleventh Amendment does not bar the United States government from prosecuting state officials for violating federal law.

(Choice D) Under the Article I suspension clause, a person in federal custody can challenge his/her detention by filing a petition for a writ of habeas corpus in a *federal* court unless Congress has explicitly suspended the writ (not seen here). But the constitutional guarantee of habeas corpus does not validate the writ issued by the *state* judge because it is prohibited by the supremacy clause.

Educational objective:

The supremacy clause prohibits state courts from challenging the legality of a person being held in federal custody through the issuance of a writ of habeas corpus.

References

In re Tarble, 80 U.S. 397, 411–12 (1871) (holding that the supremacy clause prohibited a state official from issuing a writ of habeas corpus to challenge the detention of a person in federal custody).

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Supremacy Clause

