

WATERING DOWN THE SEVENTH AMENDMENT: WILL TRIALS STILL LEAVE A BAD TASTE IN YOUR MOUTH?

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I. INTRODUCTION: RIGHT TO TRIAL COURT FACTS

A. Quoting the Internet

Facts are not easy to come-by.

Because the [I]nternet has brought the average person into contact with a volume of information that would have been nearly unimaginable to anyone outside a large university just a generation ago, we're now able to stay informed about a bewildering variety of events from the mundane (today's weather or the score of last night's

¹ Dedicated to my friends at the plant. *See e.g.*, Tom Hanks and Kevin Bacon, *Apollo 13* (1995). *See*, Doug Criss, "A University Studied the Water Quality on Planes. You May Want to Skip the Coffee on These Two Airlines," CNN (Sep. 19, 2019), <https://www.cnn.com/travel/article/airline-water-study-wellness-trnd/index.html>. *See also*, Isabelle Doctor, "Ryan Reynolds Donates \$500,000 to Charity Addressing Indigenous Water Crisis" (Mar. 24 2022), <https://dailyhive.com/vancouver/ryan-reynolds-blake-lively-donate-water-first>.

Yankees game) to the tawdry (hours of footage of Anna Nicole Smith) to the tragic (shootings at Virginia Tech) to the profound (videos showing the development of a human embryo). But the vast quantity of information available is not without a price. For every Abu Ghraib photo uncovered one can find a crank extolling his ‘proof’ that the destruction of the World Trade Center was a Jewish plot. A search for Martin Luther King Jr. may turn up ‘Letter from Birmingham Jail’ – or a [W]hite supremacist home page. No longer do consumers of information have to work to find information. The difficulty now lies in finding good information.²

This Article explains how facts about water were generated and how they should be recognized.³

B. The Hub

This Article is about how the federal agenda for cleaning water⁴ affected some courts when it cleaned

² "The Battle of the Experts," Annenberg Classroom, <https://www.annenbergclassroom.org/resource/the-battle-of-the-experts/#Background>. See also, *Korematsu v. U.S.*, 323 U.S. 214 (1944).

³ See, *Korematsu*, 323 U.S. 214.

⁴ See generally, Carmen M. Cusack, *The Driest Title on Earth: An Educational Study Proving That Crime in the West Affected the Greenland Shark*, 23 J. L. & SOC. DEVIANCE 130 (2022).

the water at the courthouse.⁵ This Article claims that people, many in the justice system, such as the Coast Guard, cleaned water around the world and that caused cleaner water to be available at the courthouse and evidence of water-cleaning activity to be evident in the courthouse.⁶ Because the Seventh Amendment of the United States Constitution guarantees fact-finding by the lower court, the government is obligated to admit the evidence of cleaner water when relevant and inform higher courts of that fact in its records.⁷ Relevance of facts may be discussed and relevant facts may be included in *in camera* hearings, minitrials,⁸ and

⁵ Cornell, “Sixth Amendment,” Constitution,

https://www.law.cornell.edu/constitution/sixth_amendment.

⁶ 2023 Clean Water Act Section 401 Water Quality Certification Improvement Rule (pdf), Environmental Protection Agency (EPA), https://www.epa.gov/system/files/documents/2023-09/One-Page%20Fact%20Sheet%20on%20the%20Final%202023%20Rule_508.pdf.

⁷ U.S. Const. amend. VII.

⁸ Without legal guidance throughout a prolonged discovery phase and judgment phase witnesses and clients should seek financial guidance to reduce stress associated with damages. *See i.e.*, Mike Winters, “Mega Millions Jackpot Is up to \$1.1 Billion—What Billionaire Mark Cuban Says You Should Do If You Win,” CNBC, (Mar. 25, 2024)

<https://www.msn.com/en-us/money/companies/mega-millions-jackpot-is-up-to-1-1-billion-what-billionaire-mark-cuban-says-you-should-do-if-you-win/ar->

BB1kw2mh?ocid=msedgntp&pc=ASTS&cvid=52f0687406f3407a8ff49421655a54d1&ei=13. "Don't take the lump sum," [Mark] Cuban told

remanded cases, etc. relating to water rights matters, such as the fact that courthouse water should be clean and accessible, the argument that people have a right to drink water in a specific place, including at the courthouse, and problems arising from the fact that some are forced, including those who are paid, to be there and others volunteer,⁹ so when water is served it should be cleanly and morally served, for example without drug residue.¹⁰

The Seventh Amendment is solid legislation.¹¹ Civil suit issues may be partly criminal and constitutional, including demands that will be met when evidence is recorded.¹² Suits under the Seventh Amendment will not include admiralty and maritime law, yet may resolve complaints that payment for water-cleaning was not achieved although it should be

the DALLAS MORNING NEWS in 2016. ‘You don't want to blow it all in one spot.’” *Id.*

⁹ Constitution Annotated, “Amdt7.1 Overview of Seventh Amendment,” Civil Trial Rights, https://constitution.congress.gov/browse/essay/amdt7-1/ALDE_00000263/.

¹⁰ Originally produced on the 7th of November for stimulus, merger, copy, and acceptance. Publication expected: June 2024/10p.

¹¹ U.S. Const. amend. VII.

¹² *Id.*

expected.¹³ Judges and juries may find that fines or remedies in equity apply and decide that owed money and remuneration for the clean water should be paid, for example sent to the Coast Guard to be disbursed by the President¹⁴ and other entities, such as corporations, individuals, and preserved sites.¹⁵

This Article explains this position and how this federal agenda that took shape as an international affair and hobby changed lower courts in America.¹⁶ This Article gives an explanation about how courthouses

¹³ *Id.*

¹⁴ National Association of Clean Water Agencies (NACWA), "Modernizing the Clean Water Paradigm," <https://www.nacwa.org/issues-in-depth/modernizing-the-clean-water-paradigm>.

In short, we are...using a mid-20th century statutory and regulatory framework to try and address 21st century challenges. The time has come to modernize the clean water paradigm in a way that preserves the strongest and most successful aspects of our current structure, while also creating a new suite of tools and resources to address the water quality realities of today and those of the coming decades. Developing a modern statutory construct for clean water will be a critical part of this effort, but it must go beyond this as well. Modernizing the paradigm will also require clean water utilities redefining their relationships with regulators, as well as engaging stakeholders and the public in new ways to elevate the importance of clean water. *Id.*

¹⁵ *See e.g.*, Environmental Protection Agency (EPA), 40 CFR Parts 121, 122, and 124, VI, "Statutory and Executive Order Reviews" (2023).

¹⁶ *See generally*, U.S. Const. art. II, s. 2, cl. 2. U.S. Constitution "treaties." *E.g.* Jessica Stewart, "Fishermen Rescue Arctic Fox Stranded on Floating Iceberg and Nurse It Back to Health," *My Modern Met* (July 3, 2018), <https://mymodernmet.com/arctic-fox-rescue/>.

must give people water in America and explains why all matters at the courthouse will now be better because of the improvements made by this group of people, and some animals, meeting the federal agenda and other requirements.¹⁷ The group realized the accomplishment after coming to believe and then stating that the water tastes better.¹⁸ It is relatively cleaner, and other measures and facts demonstrating improvement that are beyond the scope of this Article are available in detail and should be discovered, weighed, and attributed.¹⁹ Through armament, education, prosecution, pollution-free manufacturing, proactive intuitive contributions, etc. the people of America and the world fixed some of America's and the world's water problems enough to be able to taste the difference in the water.²⁰ Therefore, the court has evidence of the improved water and shall enter a judgment in all matters relating to the taste of water and the cleanliness of water.²¹ All judgments should be

¹⁷ Stewart, "Arctic Fox Stranded on Floating Iceberg."

¹⁸ *Infra* Part II.

¹⁹ *Id* and Part V.

²⁰ Part II.

²¹ Parts III and IV.

delivered around the world to complete cases where these facts are in use.²²

The outline for this Article is as follows: Part Two describes performance²³ and synergized avoidance of error performance by participants complying with the federal agenda; Part Three shows how the courthouse uses the cleaner water; Part Four describes benefits within the justice system that further demonstrate evidence of cleaner water; and Part Five concludes that courts are now able to record the evidence, establish facts, issue judgments, and close cases to help, pay, estop, reward, restore, etc. where appropriate.²⁴ The

²² American Bar, “Trial by Jury: Criminal Justice Standards,” https://www.americanbar.org/groups/criminal_justice/publications/criminal_justice_section_archive/crimjust_standards_jurytrial_blk/.

²³ See *i.e.*, Leonardo DiCaprio Foundation.

²⁴ See generally *e.g.*, EPA Press Office, “EPA Issues Final Rule to Strengthen Water Protections, Support Clear and Timely Reviews of Infrastructure and Development Projects,” EPA (Sep. 14, 2023), <https://www.epa.gov/newsreleases/epa-issues-final-rule-strengthen-water-protections-support-clear-and-timely-reviews>. Executive Order 13990 on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis directed EPA to review and, as appropriate and consistent with applicable law, take action to revise or replace the 2020 CWA Section 401 Certification Rule. On June 2, 2022, EPA announced the signing of a proposed rule to update the regulatory requirements for water quality certification under Clean Water Act Section 401. EPA conducted pre-proposal engagement and provided a 60-day public comment period on the proposed rule to help inform the content of the final rule. *Id.*

federal agenda utilizing international hobbies, work, court findings, etc. should be published in reporters around the world for similar, beneficial, and fair holdings.²⁵

²⁵ Part V.

II. IMPROVED WATER (ADD HERE)²⁶

²⁶ Lessons from Toxic Torts, *Causation in Environmental Law*, 128 Harv. L. Rev. 2256 (2015), Available at <https://harvardlawreview.org/print/vol-128/causation-in-environmental-law/>.

Environmental and toxic tort suits constitute broad, amorphous, and sometimes overlapping categories. To aid clarity, for the purposes of this Note, 'toxic tort suits' refer to personal injury cases that allege a harm, generally a physical injury, due to exposure to a toxic substance. Toxic tort suits can cover a wide variety of toxic exposures, including those from toxic products, toxic materials in a workplace, and toxic discharges into the environment. 'Environmental suits,' in contrast, refer to cases that allege an injury to plaintiffs' interests due to a harm to the environment or a violation of an environmental statute.

Environmental suits thus can be further divided into two subcategories: those asserting rights under common law, such as public nuisance, and those asserting rights created by statute. There are many similarities between toxic tort and environmental cases; indeed, some toxic tort suits are considered environmental suits by scholars and practitioners alike. *Id.*

"The conflation between causation in standing law and causation as an element of tort law has created a justiciability barrier in environmental law, under which judges find themselves considering the full extent of causation as a part of the standing inquiry." *Id.* "Given the similarities between toxic tort cases and environmental suits, reserving questions of specific causation for later determination would likely help relieve the burden on both courts and claimants without serious injury to courts' dockets and would result in more consistent and equitable hearings for those pursuing environmental claims." *Id.* M. Tyler Gillett, "US Supreme Court Hears First Two Cases Of New Term on Water Rights, ACCA," *Jurist* (Oct. 5, 2021), <https://www.jurist.org/news/2021/10/us-supreme-court-hears-first-two-cases-of-new-term-on-water-rights-acc/> *citing* "Oral Argument - Audio Mississippi v. Tennessee Docket Number: 143-Orig Date Argued: 10/04/21,"

https://www.supremecourt.gov/oral_arguments/audio/2021/143-Orig. Courts order economic and non-economic damages. Morgan & Morgan, "What Should I Do After Noticing Denture Adhesive Poisoning Symptoms?," For the People, <https://www.forthethepeople.com/practice-areas/medical-malpractice-attorney/what-should-i-do-after-noticing-denture-adhesive-poisoning-symptoms/> discussing Post-Traumatic Stress Disorder (PTSD).

A. Shifting Mindset Evidence²⁷

The production of facts for damages and payment, as much as the problems and forms of recompensed activity that continue, are the subject of this Article.²⁸ "There are different strategies to employ."²⁹ Defenders of Wildlife, People for the Ethical Treatment of Animals (PETA), and Sierra Club, for example, demonstrated projects that were evaluated by specialists to compile effects to improve water, and United Nations, Women's Rights Center, and World Health Organization provided paths to avoid error.³⁰

²⁷ "I have seen successes, sometimes dramatic successes. This post captures some of the lessons I have learned." Gary Klein Ph.D., "Shifting Mindsets: What Does It Take? Four Ingredients for Making Changes, PSYCHOLOGY TODAY (Mar. 20, 2023), <https://www.psychologytoday.com/us/blog/seeing-what-others-dont/202303/shifting-mindsets-what-does-it-take#:~:text=Key%20points%201%20Mindsets%20stem%20from%20beliefs%2C%20and,shift%20happens%20suddenly%20but%20usually%20it%20takes%20practice.>

²⁸ See Parts III and IV.

²⁹ *Id.*

³⁰ SeaWorld & Busch Gardens Conservation Fund, Human Impact and Conservation, <https://seaworld.org/animals/ecosystems/tide-pools/human-impact-and-conservation/>, *contra* "[D]olphins...are sexually abused and sometimes drugged so they can't fight." David Perle, "Dolphin Defenders to Disrupt 'Celebration' of 60 Years of Misery at SeaWorld San Antonio," PETA (Mar. 21, 2024), <https://www.peta.org/media/news-releases/dolphin-defenders-to-disrupt-celebration-of-60-years-of-misery-at-seaworld-san-antonio/>, *but see* Associated Press, "Florida Enlists Dolphins' Hartline, Other

Although these organizations worked apart from federal oversight at the command level, their missions coalesced and the people received direct and indirect forms of remuneration achieved through their effort.³¹ The contributions made to courthouse water should be analyzed according to each area's ability to detect

Athletes in Anti-Litter Campaign," WTVJ/NBC (Apr. 28, 2014), <https://www.nbcmiami.com/news/sports/florida-enlists-dolphins-hartline-other-athletes-in-anti-litter-campaign/69971/>.

The Florida Department of Transportation is enlisting professional athletes as part of a new anti-litter campaign. The campaign launched Friday will include Jacksonville Jaguars safety Johnathan Cyprien, Miami Dolphins wide receiver Brian Hartline, Tampa Bay Buccaneers running back Mike James, golfer Kenny Knox and NASCAR driver Scott Lagasse, Jr. will take part in the campaign. The department is calling the effort 'Drive It Home ... Keep Our Paradise Litter Free.' It will use television, radio, newspaper ads and billboards to encourage people to properly dispose of trash." *Id.*

"Compared with other areas of Sweden, the level of air pollutants in the western part of Scania (where most people live) can be high because of road transportation to and from the European continent and a considerable amount of cargo shipping and ferry transport along the coast. However, air pollutant levels are generally well below the present World Health Organization air quality guideline (World Health Organization 2006) and low in a European perspective." Ebba Malmqvist, et al., *Maternal Exposure to Air Pollution and Birth Outcomes*, 119 ENVIRONMENTAL HEALTH PERSPECTIVES 553 (2011), <https://ehp.niehs.nih.gov/doi/10.1289/ehp.1002564>. "The analysis links birth records for Pennsylvania between 2003 and 2014 to data on drinking water contaminant levels in community water systems from the US Environmental Protection Agency and the Pennsylvania Department of Environmental Protection." Robin McKnight, "Drinking Water Contamination, Even at Low Levels, Affects Birth Outcomes, The Bulletin on Health, National Bureau of Economic Research (NBER) (Nov. 7, 2023), <https://www.nber.org/bh/20233/drinking-water-contamination-even-low-levels-affects-birth-outcomes>.

³¹ NBER (2023).

evidence of changes, for example taste and color, and then organizations and people known to contribute to these effects should be awarded enforceable payouts for structured performance and damages where previous or present cases call for restitution and other measures to be given.³²

Some excerpts, generally, from their websites show cohesion and vision.³³ “A flatland with tall grasses blowing in a gentle breeze,” “a mountain range with high, snow-capped peaks and low river-flowing valleys,” and “a wetland with mangroves climbing out of the slow-moving, grassy water” may be improved by Defenders of Wildlife.³⁴ “Unfortunately, much of the landscape has been converted to agriculture and developments....Between increasingly limited space for the animals to thrive and poor management of

³² Jacqueline MacDonald Gibson, John M. MacDonald, Michael Fisher, and Philip J. Cook, *Early Life Lead Exposure From Private Well Water Increases Juvenile Delinquency Risk Among US Teens*, Proceedings of the National Academy of Sciences of the United States (PNAS)(2022), <https://www.pnas.org/doi/10.1073/pnas.2110694119>.

³³ Allison Cook, “What Is Habitat Restoration and Why is It Important?,” Defenders of Wildlife (June 1, 2023), <https://defenders.org/blog/2023/06/what-habitat-restoration-and-why-it-important>.

³⁴ *Id.*

imperiled and keystone species, the biodiversity in this region has taken a major hit.”³⁵

When ecosystems are balanced the work is evident.

The [Bronx R]iver became highly polluted in the 19th and 20th centuries, according to the American Museum of Natural History, when it was used for the disposal of industrial waste, including fertilizers and oil. That pollution resulted in the loss of many plants and animals. But groups have been working for decades to restore the waterway. The Bronx Zoo stopped discharging more than 200,000 gallons of animal waste into the river in 2001 and the New York Botanical Garden stopped discharging thousands of gallons of pollutants into the water in 2002, according to the Bronx River Alliance. The latest sighting is a ‘sign of a healthy ecosystem,’ according to the parks department.³⁶

Rare dolphins returned to the river.³⁷ "The dolphins help provide ecological balance" "adding" "great social benefit."³⁸

³⁵ *Id.*

³⁶ Li Cohen, “Dolphins Spotted in Bronx River for the First Time in Years, Highlighting Cleanup Efforts,” CBS News (Jan. 24, 2023), <https://www.cbsnews.com/news/dolphins-bronx-river-new-york-city/>.

³⁷ *Id.*

³⁸ *Id.*

Defenders of Wildlife has described several regions and their problems.³⁹

Human development is one of the greatest threats to the Rocky Mountains. Stream flows are declining as the water is diverted and over-allocated for development, agriculture and energy production. Diminishing and fragmented habitat forces wildlife to navigate neighborhoods, highways, livestock and people, increasing chances of conflict between animals and humans. Intact habitats provide spaces for wildlife and outdoor recreation, promoting physical and mental well-being.⁴⁰

Although critical, they work closely with legislators and use legislation to defend animals and land.⁴¹

Water is defended by the group, which helped the government to produce cleaner courthouse water, an indirect effect of their contributions.

Despite its importance, the Greater Everglades has been halved from draining and other engineering for human

³⁹ Defenders of Wildlife (2023).

⁴⁰ *Id.*

⁴¹ *Id.* “Many forests are threatened by unsustainable forestry practices. Excessive logging and resulting fragmentation destroy habitat for imperiled species and force wildlife to make dangerous journeys across busy roads. Climate change, with warming temperatures and changing precipitation levels, has shifted the optimal zones.” *Id.*

development and agriculture to support Florida's ever-growing population. Additionally, the sea level is projected to rise three feet or more over the next century, threatening much of the low-lying ecoregion to submersion.⁴²

“Despite U.S. laws and varying state and private management practices,” facts about collaboration must be recorded.⁴³

“Defenders is a consistent force working to secure conservation gains across this unique landscape.”⁴⁴ The government and others are able to produce testimony and records demonstrating plans and changes, but the court should proceed on the theory that the work is being accomplished by Defenders of Wildlife because they have always claimed to do it.⁴⁵ When they are not regarded, the forces promoting economic, natural, and healthy cooperation intervene to produce results.⁴⁶

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ Defenders of Wildlife (2023).

⁴⁶ Jaime D. Sigaran & Ted Illston, “River Budget: National Priorities for Healthy Rivers and Clean Water (FY24),” American Rivers, <https://www.americanrivers.org/resource/river-budget-national-priorities-for-healthy-rivers-and-clean-water-fy24/>.

Of the reported facts available through the press some report all of the details, while others mention only the problems. Properly the press achieves the results and should be considered in legal channels.⁴⁷ PETA, a member of the press, protested when the government needed to mount force against lawbreakers.⁴⁸ "People for Ethical Treatment of Animals (PETA) was protesting outside of the U.S. Department of Interior on Friday asking [the] Secretary" "to act on the fate of the 1,000 monkeys being held in limbo."⁴⁹ "They arrived from Cambodia and the federal government has been holding them for months, after questioning if the primates entered the country illegally."⁵⁰ Through the Department of the Interior, the animals expected a resolution.⁵¹ For

⁴⁷ Food & Environment Reporting Network (FERN), "Interior funds Project to Reduce Colorado River Water Use," FERN (Feb. 13, 2023) https://thefern.org/ag_insider/interior-funds-project-to-reduce-colorado-river-water-use/.

⁴⁸ Scott Taylor, "What's Happening to 1,000 Monkeys in Limbo in Frederick, Maryland?," ABC7 (July 21 2023), <https://wjla.com/features/i-team/1000-monkeys-frederick-maryland-lab-peta-animals-illegal-transport-cambodia-secretary-deb-haaland-us-department-of-interior-charles-river-labs-born-free-us>.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.* See PETA (2024).

example, "The Interior Department will provide \$125 million for a program that compensates water users, including farmers, on the Upper Colorado River who voluntarily conserve water. The money for the System Conservation Pilot Program was part of \$728 million announced by [the] Interior Secretary...on Monday for Western water projects."⁵² Courts should aid in these endeavors because eventually they add to the cleaner water enjoyed and needed inside courthouses.

The reports covered a range of descriptions about the Interior's response.⁵³ The results were positively proposed. "PETA believes the clock is ticking on successfully transporting the monkeys to Born Free USA, a monkey sanctuary in Texas, a much more natural environment than a steel cage in a lab."⁵⁴ Stepping stones were laid for successive interventions. The group described legal problems affecting water in other countries.⁵⁵

'If these animals were illegally captured
that means infants were pulled from moms,

⁵² FERN (2023).

⁵³ PETA (2024).

⁵⁴ ABC7 (2023). *See* FERN (2023) and PETA (2024).

⁵⁵ PETA (2024).

and friends were separated. That entire troops were devastated and if you are a macaque the most important thing you have is the other macaques in your group,' says Dr. [Lisa] Jones-Engel.⁵⁶

The court can make a flow chart, for example from the responses of experts willing to serve as witnesses and representatives and direct paralegals and attorneys to funds for the groups' effort to clean water and prevent errors causing water problems.

B. Practicum

Water was improved by the team that mixed preexisting and *sui generis* contributions. The authorities led the large group with publicized parameters using a reliable method. The approach was documented through advancements and improvements. The legal boundaries were afforded by the Judge Advocate General (JAG) and the local lawyers. Teams of forensic specialists, international commands, foreign visitors, starring guests, religious

⁵⁶ABC7 (2023).

figures, shamans, animal specialists, and others were assigned and deployed to, over, around, under, etc. sensitive and unpopulated areas to monitor human presence and work and volunteer in areas that were not fully monitored by the group from land, air, and sea.⁵⁷

Human pollution, use, waste, and patterns were impacted by the entrance of trained and observing folks. The people giving time and money are individually able to explain how they treated each area around the world. This examination describes generally what some Americans did to improve taste.

Taste was improved by reducing corruption affecting employees and customers at the water company; collecting trash from coastal areas; scaring away poisoners seeking drug trades; preventing drug

⁵⁷ *I.e.*, Cohen (2023). "The Bronx River was considered an "open sewer" for years, in large part because of the large amounts of industrial waste dumped in the New York City waterway in the 19th and 20th centuries. Dolphins were among the several species that the pollution had driven out — but last week, for the first time in years, they made a return." *Id. See also*, History, *U.S. Agent William Eaton Leads U.S. Forces "to the Shores of Tripoli,"* April 27, 1805, <https://www.history.com/this-day-in-history/to-the-shores-of-tripoli>. "In April 1805, a major American victory came during the Derna campaign, which was undertaken by U.S. land forces in North Africa. Supported by the heavy guns of the USS Argus and the USS Hornet, Marines and Arab mercenaries under William Eaton captured Derna and deposed Yusuf Karamanli." *Id.*

trade on and near waterways; stopping deforestation, ending riots, and attacking terrorists; preventing filth, leading police to interrupt and referee domestic violence; and reducing body cleansing or altering rituals and luxuries that contaminate.

The people have worked, altered habits, and contributed recommendations consecutively for around three years to achieve better taste. Millions of people can claim that they worked part-/full-time and believed that they would receive remuneration adding to the vigor and strength of their work and output. People recruited others and can report their activities. Spiritual practitioners added chants, moved blockages, performed healing, and used other powers to stop enemies, protect wild lands, and bring about better taste. Though war zones attracted and repelled certain types of workers and volunteers, covert operations sufficed as they were given guidance through unexpected machinery, zesty military maneuvers, criminal justice (cj) cameras, and last resort measures such as projections and unidentified flying objects (UFOs).

III. RIGHT TO WATER IN A COURTHOUSE

People have the right to have courts produce the facts of cleaner and better tasting water.⁵⁸ The text of the Seventh Amendment states that a fact may be proven to a jury and that it cannot be challenged after that.⁵⁹ “In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.”⁶⁰

⁵⁸ See 49 CFR part 9 (2024); 25 U.S. Code § 2813 (2024). *But see*, Elizabeth A. O’Connell, “How to Subpoena a Government Agent: Compliance with Touhy Regulations for ICE, CBP, DEA and FBI,” Prison Legal News, <https://www.prisonlegalnews.org/media/publications/How%20to%20Subpoena%20a%20Government%20Agent%20Federal%20Public%20Defender's%20Office%20W.D.%20Tex.%202011.pdf> *citing* 28 C.F.R. §§ 16.21-16.26 (2011) and United States ex rel. Touhy v. Regan, 340 U.S. 462 (1951).

⁵⁹ U.S. Const. amend. VII.

⁶⁰ *Id.* See “Constitution of the United States: Seventh Amendment, Constitution Annotated, <https://constitution.congress.gov/constitution/amendment-7/>. Constitution of the United States: Seventh Amendment, “Amdt7.1 Overview of Seventh Amendment,” Civil Trial Rights, Constitution Annotated, https://constitution.congress.gov/browse/essay/amdt7-2-1/ALDE_00013443/. “The Amendment traces its roots to English common law; some historians trace the origin of the English jury as far back as Ancient Greece.” *Id.*

In *Curtis v. Loether*, "The Court concludes that there is a two-part test for deciding whether a statute triggers a jury right: the kind of rights protected by the statute and the kind of remedy provided for under the statute."⁶¹ According to originalist theories rooted in 1791, "[t]his means that the Amendment does not guarantee trial by jury in cases under admiralty and maritime law and in other proceedings historically tried by a court instead of a jury, nor does it reach statutory proceedings unknown to the common law concerning the enforcement of statutory public rights created by Congress."⁶²

Facts can be recorded by a trial court.⁶³ Courts have established that water pollution has occurred and should establish that improvement has occurred. This fact should be distributed for use in matters relating to

⁶¹ "1974Seventh Amendment Right Applies to Statutory Claims," Annenberg Classroom, https://www.annenbergclassroom.org/timeline_event/seventh-amendment-right-applies-statutory-claims/ *citing* *Curtis v. Loether*, 415 U.S. 189 (1974).

⁶² Constitution of the United States: Seventh Amendment, "Amdt7.1 Overview of Seventh Amendment," Civil Trial Rights, Constitution Annotated, https://constitution.congress.gov/browse/essay/amdt7-1/ALDE_00000263/.

⁶³ *Id.*

better tasting and cleaner water, including damage to the ecosystem and other elements.

A judge may allow a party to enter evidence and accept an expert's qualifications as a fact, such as a member of the Coast Guard being a qualified expert to talk about water protection.⁶⁴

There are different burdens of proof for a preliminary fact compared to an adjudicative fact. For a civil jury to find that an adjudicative fact is true, it must conclude the proponent proved its truth by a preponderance of the evidence (or, in some instances, by clear and convincing evidence). When a judge decides a preliminary fact question, the proponent's burden can be materially lower.⁶⁵

The experts are qualified to state, at times through their credentials, that they can clean and measure the cleanliness of water, including by tasting the water.

Poor taste has been reduced by the experts. The facts proved that the work was completed and that the

⁶⁴ *Infra* note.

⁶⁵ David Sugden, *The Judge's Factfinding Rule (In Jury Trials)*, Evidence at Trial (Nov. 10, 2021), <https://www.evidenceattrial.com/blog/Judge%27sFactfindingRole> (see also *Bourjaily v. United States*, 483 U.S. 171 (1987)).

experts should be paid. The experts guaranteed deliverable benefits and pay to some of the volunteers and teammates.

In federal courts, the procedure for making a ruling on a preliminary question is found in Rule 104: '(a) In General. The court must decide any preliminary question about whether a witness is qualified, a privilege exists, or evidence is admissible. In so deciding, the court is not bound by evidence rules, except those on privilege. (b) Relevance That Depends on a Fact. When the relevance of evidence depends on whether a fact exists, proof must be introduced sufficient to support a finding that the fact does exist. The court may admit the proposed evidence on the condition that the proof be introduced later. Fed. R. Evid. 104(a), (b) (emphasis added).'⁶⁶

The Coast Guard can state that water cleaning strategies have been used effectively.

Members of the justice system, such as officers of the court, and specifically, judges, can testify about improved water and the rights involved with the

⁶⁶ Sugden, *The Judge's Factfinding Rule* (2021).

procurement and consumption.⁶⁷ “But when considering the ‘role of the courts in decision-making and policy-making,’ ...take into account ‘[t]he way in which courts (when compared to individuals, institutions, and other decision-making bodies) operate under procedures and traditions that produce a systematically and predictably information-poor decision-making environment.’”⁶⁸ Rights emerge when there is no force against a practice.⁶⁹ Water is available in the courthouse. There are bathrooms, sinks, and water fountains. Therefore, the people rely

⁶⁷ “Judges Request Funding to Address Cybersecurity, Courthouse Safety, Growing Workload,” US Courts (May 12, 2022), <https://www.uscourts.gov/news/2022/05/12/judges-request-funding-address-cybersecurity-courthouse-safety-growing-workload>. Judges “testify before the House Appropriations Subcommittee on Financial Services and General Government.” *Id.* “Two federal judges testified that a Judiciary budget of \$8.6 billion is needed to keep pace with inflation and to pay for important new investments in courthouse security, IT modernization, and cybersecurity. They also requested staffing to address workload increases caused by issues outside the Judiciary’s control.” *Id.*

⁶⁸ Matthew Wills, “Fact-Based Courts, but What Facts?,” JSTOR Daily (Feb. 11, 2022), <https://daily.jstor.org/fact-based-courts-but-what-facts/>.

⁶⁹ See Kristin Plys, “Representing the Female Body” The Metropolitan Museum of Art (Mar. 8, 2024), <https://www.metmuseum.org/perspectives/articles/2024/03/representing-the-female-body>.

on water there. Courts often serve water and give cups to courthouse attendants.⁷⁰ Therefore, water is a right.

Officers of the court, for example, can produce stronger rights by documenting that the courthouse workers, inmates, animals, etc. have helped the courthouse and deserve access to fresher water. Many settlements have touched on the issues and facts, like this example:

The settlement will establish a court-monitored victims compensation fund that will provide direct payments to Flint residents – with nearly 80% of the money going to those who were younger than 18 at the time of the crisis, according to the terms of the settlement. Minors who were [six] years old or younger will receive the biggest share. In addition, \$35 million will be set aside for ‘future minor claimants’ to accommodate children who did not file claims immediately, according to the court documents.⁷¹

⁷⁰ See Understanding the Flint Water Litigation—Defining Justice in the Parameters of the Adversarial Process By Deborah Greenspan, https://www.americanbar.org/groups/judicial/publications/judges_journal/2023/fall/#:~:text=The%20Flint%20water%20litigation%20involves%20complex%20legal%20and,the%20facts%2C%20issues%2C%20and%20disputes%20in%20the%20courtroom.

⁷¹ Laura Ly, “Judge Gives Final Approval of \$626 Million Settlement for People Affected by Flint Water Crisis,” CNN (Nov. 10, 2021),

"These children will be given the opportunity to file a settlement claim before they turn 19 years old, subject to available funds."⁷² Courthouses may be surprised because "the defendants participating in the settlement do not include all individuals involved in litigation regarding the water crisis, so the settlement is 'only a partial settlement of the Flint Water cases.'"⁷³ "About \$600 million of the \$626 million settlement will be paid by the state of Michigan and other defendants associated with state agencies."⁷⁴ "The remaining portions will be split between the city of Flint and its associated defendants, McLaren Healthcare, and Rowe Professional Services Company, the order states."⁷⁵

Prisoners, indigent parties, and needy guests rely on the availability of water provided by the public. Their right to water includes a right to clean water. Children also have a right to clean toilet water.⁷⁶ Boys, for example, have a special right to clean urinal

<https://www.cnn.com/2021/11/10/us/flint-michigan-water-crisis-judge-approves-settlement/index.html>.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ Cook (2023).

water.⁷⁷ "For example, unlawful pollution of the nation's waters was prosecuted primarily under the Rivers and Harbors Act of 1899. 33 U.S.C. §403 et seq."⁷⁸

The Clean Air Act also contains a provision that imposes criminal penalties for negligent acts: '(4) Any person who negligently releases into the ambient air any hazardous air pollutant listed pursuant to section 7412 of this title or any extremely hazardous substance listed pursuant to section 11002(a)(2) of this title that is not listed in section 7412 of this title, and who at the time negligently places another person in imminent danger of death or serious bodily injury shall, upon conviction, be punished by a fine under Title 18, or by imprisonment for not more than [one] year, or both.' 42 U.S.C.A. §7413(c)(4). Generally, simply negligent

⁷⁷ *Id. accord* "Well Water, Lead, and the Link to Juvenile Delinquency" Penn Today, <https://penntoday.upenn.edu/news/Penn-criminology-well-water-lead-juvenile-delinquency>.

Research from Penn and other universities found that, compared to children with municipal water, those relying on private wells in the U.S. had a 21% higher risk of being reported for any delinquency and a 38% increased risk of being reported for serious delinquency after age 14. *Id.*
⁷⁸ Bruce Pasfield, "Simple Negligence and Clean Water Act Criminal Liability: A Troublesome Mix," Bloomberg Law (Oct. 7, 2010), <https://news.bloomberglaw.com/environment-and-energy/simple-negligence-and-clean-water-act-criminal-liability-a-troublesome-mix>.

conduct is not subjected to criminal penalties.⁷⁹

Yet courts may be willing to construct reference materials demonstrating how to advance good policies and interpret the law to further the law. “For example, the Florida Supreme Court declared unconstitutional the portion of the Florida Air and Water Pollution Control Act that penalized ‘mere negligent conduct.’”⁸⁰

The federal agenda is a guide. “As the court reasoned, a statute that criminalizes simple negligence fails to provide ‘clearly ascertainable standards of guilt by which a citizen may gauge his conduct,’ and is therefore unconstitutional.”⁸¹ “Historically, there may have been a need to prosecute simple negligence pollution violations through the criminal court system, but as modern environmental law has developed, that need has diminished.”⁸² The Seventh Amendment

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ Pasfield (2010) *citing* State v. Hamilton, 388 So.2d 561 (1980) at 563-64.

⁸² Pasfield (2010) *cf.* Carmen M. Cusack & Matthew E. Waranius, Talking with JAG, New Orleans, Louisiana (Mar. 2024) *accord* Hassan Kanu, “Toxic Racism Confronted by DOJ’s Environmental

permits repair because it can complement criminal and constitutional law.⁸³

"The Clean Water Act does contain a provision that penalizes gross negligence, 33 U.S.C. §1321(b)(7)(D). This provision imposes civil penalties when the discharge of oil or hazardous substances into the navigable waters of the United States is the result of gross negligence or willful misconduct."⁸⁴ In the Clean Water Act "the gross negligence provision imposes...civil penalties, and [s]imple negligence is '[t]he failure to exercise the standard of care that a

Discrimination Probes," Reuters (July 28, 2022), <https://www.reuters.com/legal/government/toxic-racism-confronted-by-doj-environmental-discrimination-probes-2022-07-28/>. "The U.S. Justice Department recently opened an environmental justice investigation." *Id.* E.g. Gidget Fuentes, "Marine Corps Begins Water Testing for Future Landing Ship Concept," U.S. Naval Institute (Feb. 26, 2024), <https://news.usni.org/2024/02/26/marine-corps-begins-water-testing-for-future-landing-ship-concept>. Built two decades ago, the New Orleans, La.,-based Resolution was modified in Louisiana and traveled to Marine Corps Support Facility Blount Island, S.C., and Mayport, Fla....for the experimentation off California. Those modifications turned a ship built to support offshore oil facilities into a landing ship that can pull up onto a beach or drop its ramp on a rocky coast or quay." *Id.* Prensa Latina, "Environmental Protection, a Priority in Cuba's Legislative Framework," *P L.* (June 5, 2022), <https://www.plenglish.com/news/2022/06/05/environmental-protection-a-priority-in-cubas-legislative-framework/>.

⁸³ U.S. Const. amend. VII.

⁸⁴ Prensa Latina (2022).

reasonably prudent person would have exercised in the same situation.”⁸⁵

Under the Clean Water Act any person whose negligence causes a discharge of pollutants from a point source into waters of the United States is subject to criminal prosecution and faces a fine of up to \$25,000 per day of violation and imprisonment for one year. 133 U.S.C. §1319(c)(1).⁸⁶

“At least two federal appellate courts have interpreted the degree of negligence that triggers criminal liability as simple negligence.”⁸⁷

“The Environmental Protection Agency and Department of Justice have been judicious in their use of this criminal negligence provision.”⁸⁸

Congress and the Obama administration have plans to amend the Clean Water Act’s definition of ‘Waters of the United States’ to provide more consistent protection of the nation’s waters. Most legal scholars would agree that the U.S. Supreme Court’s definition of ‘Waters of the United States’

⁸⁵ Pasfield (2010) *citing* 3 BLACK’S LAW DICTIONARY 1061 (8th ed. 2004).

⁸⁶ Pasfield (2010).

⁸⁷ *Id.*

⁸⁸ *Id.*

in *Rapanos v. United States*, 547 U.S. 715, 62 ERC 1481 (2006), is in need of a legislative fix.⁸⁹

The argument is well-supported and the system should concretize around the progressive stance.

"In *Tull v. United States*, the Court ruled that the Seventh Amendment requires a jury to determine whether an entity is liable for civil penalties under the Clean Water Act, which authorizes the Administrator of the Environmental Protection Agency to initiate a civil action in a federal district court to enforce the Act."⁹⁰ "In the Court's view, the penal nature of the Clean Water Act's civil penalty remedy distinguishes it from restitution-based remedies available in equity courts."⁹¹

Consequently, it is a type of remedy that only courts of law could impose. However, a jury trial is not required to assess the amount of the penalty. Because the Court viewed assessment of the amount of

⁸⁹ *Id.*

⁹⁰ Constitution Annotated, https://constitution.congress.gov/browse/essay/amdt7-2-2/ALDE_00013444/#ALDF_00024379; [https://constitution.congress.gov/browse/essay/amdt7-2-2/ALDE_00013444/citing Tull v. United States, 481 U.S. 412 \(1987\)](https://constitution.congress.gov/browse/essay/amdt7-2-2/ALDE_00013444/citing_Tull_v._United_States,_481_U.S._412_(1987)).

⁹¹ *Id.*

penalty as involving neither the substance nor a fundamental element of a common-law right to trial by jury, it held permissible the Act's assignment of that task to the trial judge.⁹²

Courts have several options for establishing the fact of cleaner and better tasting water.

Treated water of the past meets that right.⁹³ Yet, better water is included in the right. The right to pollution free oceans, rivers, lakes, etc., is established.⁹⁴ The right to improved water has been granted.⁹⁵ The courthouse is now obligated to continue assuring this right and maintain case law with this right.⁹⁶

⁹² Constitution Annotated, https://constitution.congress.gov/browse/essay/amdt7-2-2/ALDE_00013444/#ALDF_00024379 citing *Tull v. United States*, 481 U.S. 412 (1987).

⁹³ *Jolly v. Eli Lilly & Co.*, (1988) 44 Cal.3d 1103, 1109 [245 Cal.Rptr. 658, 751 P.2d 923].

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ *Id.*

IV. EFFECTS OF IMPROVED WATER IN CJ STUDIES

Improved water helps mental health, rehabilitation, retribution, and deterrence.⁹⁷ These aid courts. Those benefiting may continue to support water cleaning. “Dr. Masaru Emoto, a Japanese researcher and author, delved into this intriguing relationship through groundbreaking experiments that shed light on the profound impact our thoughts, attitudes, emotions, and intentions can have on water molecules.”⁹⁸ Active cycles help the government save money, make money, conserve resources, and distribute wealth, knowledge, and support. These fortify the social contract that provides, instills, and shields the aims of justice.

Communities, system members, and processed individuals foster improved water philosophies and programs. “Both in and out of the country, most presume that residents of the United States live with

⁹⁷ Rachel Branson, “The Remarkable Influence of Thoughts on Water: Dr. Masaru Emoto’s Pioneering Experiments,” *WELLBEING MAGAZINE* (Dec. 1, 2023), <https://wellbeingmagazine.com/the-remarkable-influence-of-thoughts-on-water-dr-masaru-emotos-pioneering-experiments/>.

⁹⁸ *Id.*

close to universal access to potable water and sanitation."⁹⁹ Rehabilitation is fostered by better water. It reduces addiction and controls behavior. Retribution is achieved when intentional and negligent contaminators are forced to consume that which they intended to damage or failed to protect. Deterrence is achieved when people taste the water and like it. Also, when they detect how many people stand against contamination and reduced water utility they are estopped.

Better water shows mentally ill people differences that help them to rely on facts and make good judgments.

Studies indicate that when your body is dehydrated, your brain mass will decline beyond the typical size, which can lead to cognitive disorders: fatigue, stress, short-term memory loss, etc. Severe cases may lead to dementia or to a period in which the brain deteriorates over time and is unable to distinguish people, items, or places. With

⁹⁹ J. Tom Mueller & Stephen Gasteyer, *The Widespread and Unjust Drinking Water and Clean Water Crisis in the United States*, 12 Nat Commun 3,544 (2021), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8219686/>.

the help of water, you can be able to prevent this kind of scenario and make it work even better when you fuel it by drinking your h₂O's.¹⁰⁰

The far-reaching effects can be acknowledged systemically to improve acceptance of water and its benefits. For example, "[t]his story begins with a bicycle-powered swimming pool pump in Haiti and ends with 400 inmates in Washington building water filtration systems for Ethiopian prisons."¹⁰¹

Courthouse pets, people, and visitors will predictably improve their behavior and patterns congruent with any study demonstrating that improved water quality, such as taste, causes betterment. Likely, their attitudes will shift upward, their skin will clear, their urine will be less odorous, their bodies will be calmer, their incidents of cancer will decrease, and

¹⁰⁰ Tommy Williamson, "The Impact of Water on Mental Health," PSYCHREG (Nov. 19, 2020), <https://www.psychreg.org/impact-water-mental-health/>.

¹⁰¹ Mary Bufe, *Washington Inmates Bring Drinking Water to Ethiopian Prisons Through One-of-a-Kind Program*, Water Environment Federation WEF Highlights (June 17, 2019), <https://news.wef.org/washington-inmates-bring-drinking-water-to-ethiopian-prisons-through-one-of-a-kind-program/>.

their need to eat vegetarian, vegan, Kosher, healthy food, etc. will escalate resulting in other benefits.¹⁰²

V. CONCLUSION

Federal courts, guided by the Supreme Court overseeing state courts, are to participate in the federal agenda to clean the country's water.¹⁰³ Recognition of expertise and reliance on relevance by judges and juries will show who deserves to be paid and the amount of payment owed. Work was reliably provided to many authorities, including courthouses with poor water quality.¹⁰⁴ Therefore, the authorities should advise people about how to collect the payment, distribute awards, and circulate information, for

¹⁰² Faezeh Khorsha, Atieh Mirzababaei, Mansoureh Togha, & Khadijeh Mirzaei, *Association of Drinking Water and Migraine Headache Severity*, 77 J. CLINICAL NEUROSCIENCE 81 (2020). "The results showed that the severity of migraine disability..., pain severity..., headaches frequency..., and duration of headaches...were significantly lower in those who consumed more water or total water." *Id.*

¹⁰³ Part III.

¹⁰⁴ See, Miika Mäkitalo, "I'm From the World's Happiest Country—Our Work Culture Is Different to the US Story," *Newsweek* (Mar. 19, 2024), <https://www.msn.com/en-us/news/world/i-m-from-the-world-s-happiest-country-our-work-culture-is-different-to-the-us/ar-BB1k9ID4?ocid=msedgntp&pc=ASTS&cvid=ec04308071564f908f10d330e42fc916&ei=16>.

example, about open jobs, volunteer labor, and community service for probation. Authorities should simply let be what is not in dispute or unknown and satisfy the problem by acknowledging the solution.

Fact-finding procedures should aim fairly and expediently to hear and conclude matters that involve the quality, such as cleanliness and taste, of water.¹⁰⁵ Where cases, remedies, and laws preclude new fact-finding and awards the people should rely on common law and *stare decisis* to instigate action and payment.¹⁰⁶ Alternative resolutions and corporate distribution, such as international commercial arbitration, are like jury trials and judicial findings when parties agree. Distribution of materials shall be made to participants around the world.¹⁰⁷ Information and commitment shall be gathered for future projects.¹⁰⁸ Similar progress is to be expected. The

¹⁰⁵ *Id.*

¹⁰⁶ U.S. Const. amend. VII.

¹⁰⁷ Prensa Latina (2022).

¹⁰⁸ *Id.*

benefits of water cleaning projects and efforts are to be recalled.¹⁰⁹

¹⁰⁹ Judge Larry Primeaux, *Reprise: How to Refresh Recollection*, The Better Chancery Practice Blog (Mar. 24, 2017), <https://betterchancery.com/2017/03/24/reprise-how-to-refresh-recollection/>.

Mississippi law has long recognized the right of a witness to have her memory refreshed, and our law has allowed anything to be used to refresh independent recollection. Refreshing recollection is not limited to written documents. As MRE 612 states ‘If a witness uses a writing, recording or object to refresh his memory for the purposes of testifying ...’ Or, as a law professor eloquently put it, you can use a pencil or a flower pot, if that will do the job. Bear in mind that the process of refreshing recollection is intended to restore the witness’s independent recollection of a matter. It is not a process of educating a witness about matters beyond his ken, nor is it a backdoor path to admission of an otherwise inadmissible item. Once the witness’s recollection has been restored, the witness continues her testimony based on her now-restored recollection, independent of the refreshing item. *Id.*