

Unit #4c: Institutions—Federal Courts

AP US Government & Politics

Mr. Coia

Name: _____ Date: _____ Period: _____

Class Procedure Update: Chapter reading outlines are optional UNLESS you are absent the date it is due. If you are, they are MANDATORY for you in order to take the make-up quiz before the next class period.

Wed 2/20

- Review Presidency test and FRQs
- Read and mark "[What Made Antonin Scalia Great](#)" article from *The Atlantic*
- Researching [Neil Gorsuch](#)
- Reading through the court cases
- **[Absent Students:** print, read, and mark both articles. Type a 300-word response in proper format responding to these articles. What problems do you foresee in the upcoming confirmation process of Gorsuch? Work is due on Friday 2/24]

HW: Key terms cards; notebook prep

Fri 2/24

- Notebook Check #6
- Key Court Cases Quiz **1-10**
- Read "What Should I Have Learned?" 10.373-374
- Lecture/discussion topic: Introduction to federal courts
- Recent cases: [Obergefell/Windsor/Hobby Lobby](#)
- Show exemplars
- Who is on the [Supreme Court today?](#)
- FRQ questions
- **[Absent Students:** print, read, mark articles. Type a 300-word response in proper format that shows your learning on these court cases. What do these mean for us today? Due Monday, 2/27]

HW: AG 10.334-344; key terms cards; download "[Pocket Justice](#)" app(optional)

Tues 2/28

- Reading quiz 10.334-344
- Key Court Cases Quiz **1-15**
- Lecture/discussion topic: Federal attorneys and judges
- Clip: "[One Man Changes the Constitution](#)" (20 min)
- IC: Researching a court case on <http://www.oyez.org>
- Sign up for Court Case presentations

HW: AG 10.344-354; key court cases cards

Thurs 3/2

- **Key terms cards due**
- IC: Work time on Court Case presentations

Mon 3/6

- Reading quiz 10.344-354
- Key Court Cases Quiz **1-20**
- Lecture/discussion topic: The Supreme Court
- Strict v loose construction
- Watch [video overview](#) on Supreme Court
- Court Case Presentations

HW: AG 10.354-364; key court cases cards

Wed 3/8

- Reading Quiz 10.354-364
- Key Court Cases Quiz **1-25**
- Lecture/discussion topic: Supreme Court continued; Judicial Activism vs Judicial Restraint. [Video](#) (7 min)
- Court Case Presentations

HW: AG 10.364-373

Fri 3/10

- Reading Quiz 10.364-373
- Key Court Cases Quiz **1-30**
- Finish lecture
- Watch: [Clarence Thomas confirmation hearings](#)
- Court Case Presentations

HW: Study for Key court cases and key terms

Tues 3/14

- Court Case Presentations
- **Remaining key court cases cards due**
- [Key Court Cases](#) and [Key Terms](#) test

Thurs 3/16

- **Federal Courts Mini-Test:** 1 FRQ (25 min)
- *The West Wing:* "The Supremes"

Mon 3/20

- Begin Institutions-Bureaucracy unit

Thursday, 5/4 0800-1200 **AP Exam.** Arrive at 0700 for a pre-AP breakfast (mandatory).

Differentiation

Need extra help? Try one of the following

- Short videos on a variety of issues: <https://www.youtube.com/user/MyCitizenU/videos>
- <https://www.prageru.com/courses/political-science>
- Quizlet key terms review game
- Borrow a 5 Steps to a 5 book for practice quizzes
- Sign up for Seminar for a conference

Need extra challenges? Try one of the following:

- Ask for a practice FRQ on this section
- Offer to teach a section of this unit in place of taking a quiz on the unit

At minimum, students must know

- The major formal and informal institutional arrangements of power
- Relationships among these four institutions, and varying balances of power

Notebook and Supply Check

You'll need the following for our notebook check **on Friday 2/24**. You need ALL the pieces to receive credit. No partial credit offered on this.

You need **three** tabs with the following:

GOV Handouts:

- *Unit Guide 5*
- Unit guide 4
- Conservative/Liberal Chart
- Understanding the Amendments (unit guide 1, p.13-14)
- Federalist Papers #10, 51 (unit 1, p. 7-11)
- Key Terms: Constitutional Underpinnings (unit 1, p. 3-4)
- Key Terms: Constitutional Clauses (unit 1, p. 5-6)
- *Key Terms: Legislation (unit 4b, p. 3-4)*
- Key Terms: Political Beliefs/Political Behaviors (unit 2, p. 3-4)
- Key Terms: Interest Groups/Public Policy (unit 3, p. 3-4)
- Key Terms: Institutions-The Congress (unit 4, p. 3)
- *Key Terms: Institutions—Presidency (unit 4b, p.5)*
- Charts: Political Beliefs/Political Behaviors (unit 2, p. 10-11)
- Charts: Institutions-Congress (unit 4, p. 5)
- AP GOV Syllabus
- Class Rules sheet, initialed

GOV Classwork:

Notes from lectures, presentations, mini-lessons. Remember you should be taking notes each class period. You will also have at least 25 sheets of loose-leaf paper in your binder, and your pens, pencils, highlighter, etc.

GOV Outlines:

Unit 1: Constitutional Underpinnings outlines (this includes all of your EIGHT outlines put in order with a cover page stapled to the top).

Unit 2: Political Beliefs/Political Behaviors (this includes all of your NINE outlines put in order with a cover page stapled to the top).

Unit 3: Interest Groups/Public Policy (this includes all FOUR outlines put in order with a cover page stapled on top).

Unit 4: Institutions--Congress (this includes all THREE outlines put in order with a cover page stapled on top).

Unit 4b: Institutions—The Presidency(this includes all THREE outlines put in order with a cover page stapled on top).

KEY COURT CASES

1. **Marbury v. Madison (1803)** Established judicial review; “midnight judges;” John Marshall; power of the Supreme Court.
2. **McCulloch v. Maryland (1819)** Established national supremacy; established implied powers; use of elastic clause; state unable to tax fed. Institution; John Marshall; “the power to tax involves the power to destroy.”
3. **Plessy v. Ferguson (1896)** Established separate but equal.
4. **Schenck V. U.S. (1919)** Oliver Wendell Holmes; clear and present danger test; shouting “fire” in a crowded theater; limits on speech, esp. in wartime.
5. **Gitlow v. New York (1925)** Established precedent of federalizing Bill of Rights (applying them to the states); states cannot deny freedom of speech --protected through due process clause of Amendment 14
6. **Palko v. Connecticut (1937)** Provided test for determining which parts of Bill of Rights should be federalized – those which are implicitly or explicitly necessary for liberty to exist.
7. **Brown v. Board, 1st (1954)** School segregation unconstitutional; segregation psychologically damaging to blacks; overturned separate but equal; use of 14th Amendment; judicial activism of Warren Court; unanimous decision.
8. **Brown v. Board, 2nd (1955)** Ordered schools to desegregate “with all due and deliberate speed.”
9. **Mapp v. Ohio (1961)** Established exclusionary rule; illegally obtained evidence cannot be used in court; Warren Court’s judicial activism
10. **Engel v. Vitale (1962)** Prohibited state-sponsored recitation of prayer in public schools by virtue of Amendment One’s establishment clause and the 14th Amendment’s due process clause; Warren Court’s judicial activism.
11. **Baker v. Carr (1962)** “One man, one vote.” Ordered state legislative districts to be as near equal as possible in population; Warren Court’s political judicial activism.
12. **Abington v. Schempp (1963)** Prohibited devotional Bible reading in public schools by virtue of establishment clause and due process clause. Warren Court’s judicial activism.
13. **Gideon v. Wainright (1963)** Ordered states to provide lawyers for those unable to afford them in criminal proceedings. Warren Court’s judicial activism in criminal rights.
14. **Wesberry v. Sanders (1963)** Ordered House districts to be as near equal in population as possible.
15. **Griswald v. Connecticut (1965)** Established right of privacy through 4th and 9th Amendments. Set a precedent for Roe v. Wade.
16. **Miranda v. Arizona (1966)** Established Miranda warnings of counsel and silence. Must be given before questioning. Warren Court’s judicial activism in criminal rights.
17. **Loving v. Virginia (1967)** Ruled that Virginia’s ban on interracial marriage is unconstitutional
18. **Lemon v. Kurtzman (1971)** Allowed states to provide textbooks and busing to students attending private religious schools. Established 3-part test to determine if establishment clause is violated: nonsecular purpose, advances/inhibits religion, excessive entanglement with government.
19. **Roe v. Wade (1973)** Established national abortion guidelines; trimester guidelines: no state interference in 1st, state may regulate to protect health of mother in 2nd, state may regulate to protect health of unborn child in 3rd. Inferred from right of privacy estab. in Griswald v. Conn.

20. **U.S. v. Nixon (1974)** Allowed for executive privilege, but not in criminal cases; “Even the President is not above the law;” Watergate.
21. **Buckley v. Valeo (1976)** 1st Amendment protects campaign *spending*; legislatures can limit *contributions*, but not how much one spends of his own money on campaigns.
22. **U.C. Regents v. Bakke (1978)** Alan Bakke and UC Davis Medical School; strict quotas unconst., but states may allow race to be taken into account as ONE factor in admissions decisions. Bakke admitted.
23. **Webster v. Reproductive Health Services (1987)** More leeway for states in regulating abortion, though no overturning of Roe v. Wade.
24. **Texas v. Johnson (1989)** Struck down Texas law that banned flag burning, which is a protected form of symbolic speech.
25. **Employment Division of Oregon v. Smith (1990)** States could deny unemployment benefits to a person fired for violating a state prohibition on the use of peyote even though the use of the drug was part of a religious ritual.
26. **Planned Parenthood v. Casey (1992)** States can regulate abortion, but not with regulations that impose “undue burden” upon women; did not overturn Roe v. Wade, but gave states more leeway in regulating abortion (e.g., 24-hour waiting period, parental consent for minors)
27. **Shaw v. Reno (1993)** No racial gerrymandering; race cannot be the *sole or predominant* factor in redrawing legislative boundaries; majority-minority districts.
28. **U.S. v. Lopez (1995)** Gun Free School Zones Act exceeded Congress’ authority to regulate interstate commerce.
29. **Clinton v. NY (1998)** Banned presidential use of line item veto
30. **Bush v. Gore (2000)** Use of 14th Amendment’s equal protection clause to stop the Florida recount in the election of 2000.
31. **Zelman v. Simmons-Harris (02)** Public money can be used to send disadvantaged children to religious schools in tuition voucher programs.
32. **Ashcroft v. ACLU (2002)** Struck down a federal ban on “virtual” child pornography
33. **Lawrence v. Texas (2003)** Using right of privacy, struck down Texas law banning sodomy.
34. **Gratz v. Bollinger (2003)** Struck down use of “bonus points” for race in undergrad admissions at University of Michigan. **Grutter v. Bollinger (2003)** Allowed the use of race as a general factor in law school admissions at University of Michigan.
35. **Kelo v. City of New London (’05)** Eminent domain case: Local governments may force the sale of private property and make way for private economic development when officials decide it would benefit the public.
36. **Gonzales v. Carhart (2007)** Upheld Partial Birth Abortion Ban Act of 2003.
37. **DC v. Heller (2008)** Struck down a Washington DC ordinance that banned handguns
38. **United States v. Windsor (2013)**: Stuck down the Defense of Marriage Act as unconstitutional under the due process clause under the 14th Amendment’s guarantee of equal protection. The federal government must recognize marriages that have been approved by the states.

KEY TERMS:
INSTITUTIONS→Federal Courts

1. **Appellate jurisdiction:** authority of a court to hear an appeal from a lower court.
2. **Civil law:** concerns noncriminal disputes between private parties.
3. **Class action lawsuit:** lawsuit brought on behalf of a class of people against a defendant, e.g., lawsuits brought by those who have suffered from smoking against tobacco companies.
4. **Concurring opinion:** written by a Supreme Court Justice who voted with the majority, but for different reasons.
5. **Discharge petition:** a motion to force a bill to the House floor that has been bottled up in committee.
6. **Dissenting opinion:** written by a Supreme Court Justice (or Justices) who express a minority viewpoint in a case.
7. **Injunction:** court order that forbids a party from performing a certain action.
8. **Judicial activism:** philosophy that the courts should take an active role in solving problems.
9. **Judicial restraint:** philosophy that the courts should defer to elected lawmakers in setting policy, and should instead focus on interpreting law rather than making law.
10. **Judicial review:** power of the courts to review the constitutionality of laws or government actions.
11. **Original jurisdiction:** authority of a court to first hear a case.
12. **Remand:** the Supreme Court's sending of a case back to the original court in which it was heard.
13. **Rule of four:** the Supreme Court will hear a case if four Justices agree to do so.
14. **Stare decisis:** Latin for "let the decision stand." Supreme Court policy of following precedent in deciding cases.
15. **Writ of certiorari:** issued by the Supreme Court to a lower court to send up the records of a case so that it can be reviewed by the high court.
16. **Writ of habeas corpus:** court order that the authorities show cause for why they are holding a prisoner in custody. Deters unlawful imprisonment.
17. **Writ of mandamus:** court order directing a party to perform a certain action.

Institutions → Federal Courts

Free-response questions

1. During the twentieth century, the Supreme Court ruled repeatedly on the protections embodied in the First Amendment.

- Freedom of Speech
- Separation of Church and State

For each above:

- a. identify a related Supreme Court case AND explain the reasoning behind the Court's decision.
- b. Identify and describe a related issue in contemporary politics that centers on differing interpretations of the First Amendment

2. For much of the history of the Supreme Court, justices have been identified with the ideologies called "loose construction" and "strict construction." These ideologies continue to play a major role in the determination of judicial decisions.

- a. define the terms "strict" and "loose construction"
- b. Select one of the following Supreme Court cases. Explain both the questions under consideration by the Court in the case and the reasoning behind the Court's decision:

- *U.S. v. Lopez* (1995)
- *D.C. v. Heller* (2003)
- *Citizens United v. Federal Elections Commission* (2010)

Be sure to make reference to loose or strict construction in your answer.

3. For much of American history the Supreme Court refused to apply the provisions in the Bill of Rights to the states. Today, almost all of its provisions apply both to the federal and state governments.

- a. explain the constitutional rationale for the "incorporation" of the Bill of Rights to the states.
- b. describe the process through which the Bill of Rights were incorporated to the states and local governments.
- c. identify two civil liberties and the cases through which they were incorporated.

4. The rights enumerated by the Bill of Rights were not always protected from state action. For many years, the Supreme Court believed the phrase "Congress shall make no law..." imposed limits on the federal government only.

- a. explain the method by which many of the Bill of Rights protections are used to limit state and local governments.
- b. Choose two of the following issues. For each, describe a case that helped define the Supreme Court's stance on the issue.

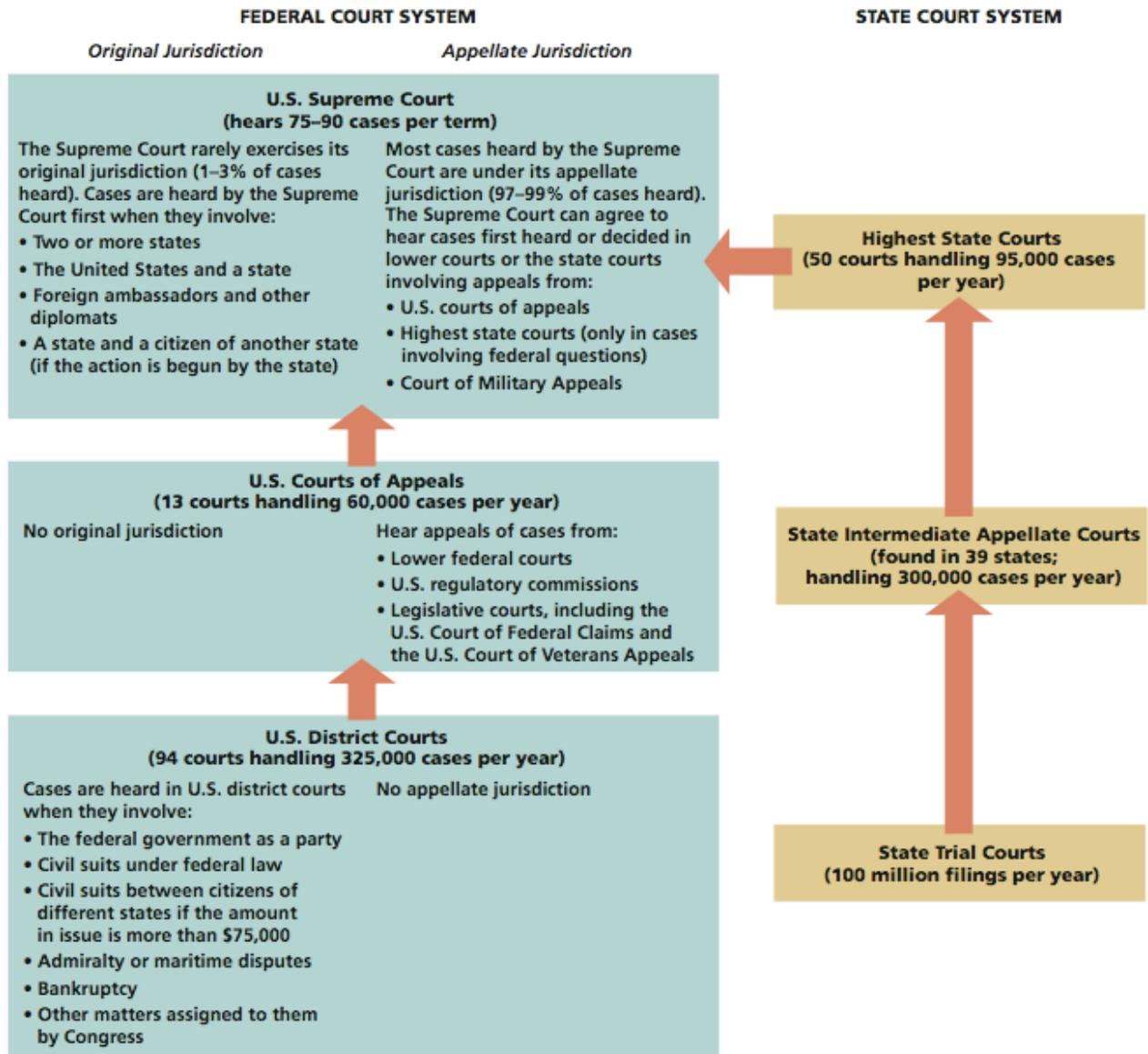
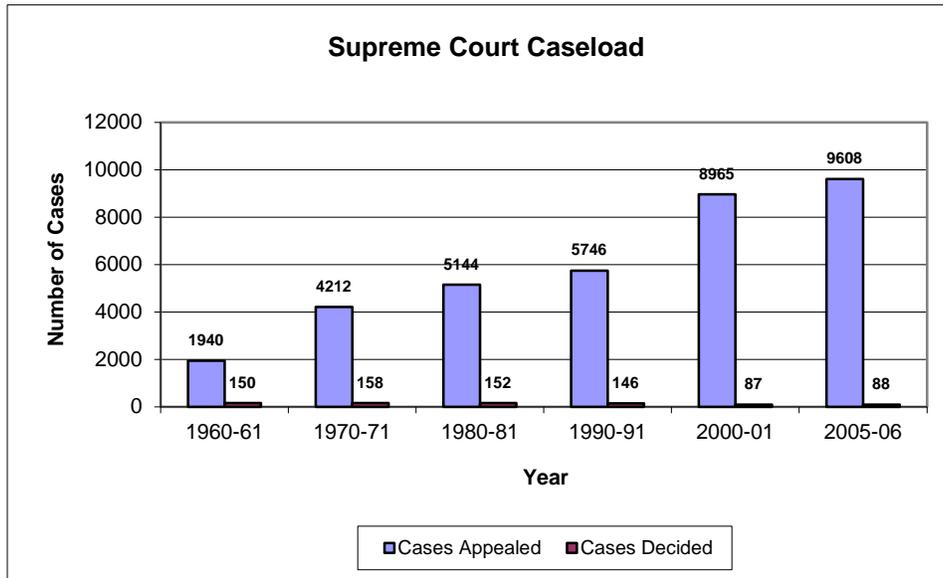
- school prayer
- threatening speech
- symbolic expression
- prior restraint
- libel



Members of the Supreme Court of the United States

Members in the Timeline





Name: _____ Per: _____

Court Case: _____

PRESENTATION DAY: _____

DUE IN T: DRIVE BY: _____ (one school day before)

Supreme Court Case Presentations

After selecting your court case, you will create a digital presentation showcasing major parts of this ruling. Use only 1 or 2 slides. For added effect, animate the information in the slides.

Include the following:

- Important dates
- Important facts of the case
- What led to this decision (who had "standing"?)
- Outcome of the decision
- Possible criticism from the dissenting position
- Uses 1-2 slides

Scoring Guide

Contains the information listed above to give a full picture of the court case

0 1 2 3 4 5 6 7 8 9 10

Presentation is rehearsed, informative, interesting, and entertaining

0 1 2 3 4 5 6 7

Contains non-pixilated pictures related to the case

0 1 2 3

Presentation is professional and neat in appearance

0 1 2 3

Final Copy not submitted to T: on time or properly -5

_____ / 23 (PROJECTS)

Presentation Day: 3/6, 8, 10, 14, 16 (see sign-ups)

Slide show must be dropped in my **T: drive** folder Ron Coia→Period 1 (for A1) (or Period 2 for A2)→Turn In **by the school day BEFORE your presentation**. This will give you time to practice the presentation as well as not worrying about compatibility issues.

Students will turn in notes from ALL the student presentations on the last day of the presentations for 20 points CLASSWORK category. Absent? You MUST have all the notes.