Unit #4c: Interaction between Branches—Federal Courts

AP US Government & Politics
Mr. Coia

Name:_____Date:_____ Period:_____

Wed 2/27
- Review Presidency test and FRQ
- "Last One Standing" activity for Presidents and Congress
- Read "What Should I Have Learned?" 10.373-374
- Watch: Structure of the Federal Courts
- Lecture/discussion topic: Introduction to federal courts
- **Absent Students**: Watch video. Type a 200-word response in proper format that shows your learning on this principle. What does this mean for us today?

HW: *AG* 10.334-344; key terms cards; notebook prep; key court cases 1-5

Mon 3/4
- Reading quiz 10.334-344
- Class Starter: Most Trusted Branch
- **Notebook Check #6**
- Who is on the Supreme Court today?
- Key Court Cases Quiz **1-5**
- Reading through current court cases
- Analyzing charts
- **Absent Students**: Complete class starter questions; mark up charts in unit guide. Write a possible FRQ question that asks kids to analyze these charts.

HW: *AG* 10.344-354; key court cases cards 1-10

Wed 3/6
- Reading quiz 10.344-354
- Key Court Cases Quiz **1-10**
- Lecture/discussion topic: Federal attorneys and judges
- Clip: "One Man Changes the Constitution" (20 min)
- Researching a court case on http://www.oyez.org
- Sign up for Court Case presentations
- **Absent Students**: Watch short documentary. Type a 200-word response in proper format that shows your learning on this court case. What do this mean for us today?

HW: *AG* 10.354-364; key court cases cards 1-15

Fri 3/8
- Reading Quiz 10.354-364
- Class Starter: Prayer in Schools
- **Key terms cards due**
- Key Court Cases Quiz **1-15**
- Watch: Introduction to Fed #78
- Federalist #78 read/mark
- Complete 8 questions
- **Absent Students**: Complete class starter questions in addition to all the Fed #78 work

HW: AG 10.364-373; finish Fed 78 work; key court cases cards 1-20

Tues 3/12
- Reading Quiz 10.364-373
- Fed 78 Discussion
- Key Court Cases Quiz **1-20**
- Lecture/discussion topic: The Supreme Court
- Strict v loose construction
- Watch video overview on Supreme Court
- **Absent Students**: Watch video. Type a 200-word response in proper format that shows your learning on this principle. What does this mean for us today?

HW: key court cases cards 1-25

Thurs 3/14
- Key Court Cases Quiz **1-25**
- Lecture/discussion topic: Supreme Court continued; Judicial Activism vs Judicial Restraint.
- Court Case Presentations
- Watch: Crash Course: Judicial Decisions
- **Absent Students**: Watch video. Type a 200-word response in proper format that shows your learning on this principle. What does this mean for us today?

HW: key court cases cards 1-33

Mon 3/18
- Key Court Cases Quiz **1-33**
- Finish lecture
- Watch: Clarence Thomas confirmation hearings
- Watch: ABC News on Thomas Hearings
- Key Moments from the Kavanaugh hearings
- Court Case Presentations
- Why are these high-profile hearings?
- **Absent Students**: Watch clips. Type a 200-word response in proper format that shows your understanding of these clips and this question.

HW: Study for Key court cases and key terms

Wed 3/20
- Court Case Presentations
- **Key Court Cases and Key Terms test**

Fri 3/22
- **Federal Courts Test**: 25 MC and 1 FRQ (40 min)
- *The West Wing*: "The Supremes"

Future Date to Know:
Monday, 5/6 0800-1200 AP Exam—meet in IC for breakfast at 0700

Students will be able to:

- Identify the major powers of the judiciary
- Analyze the reasons for the evolution of judicial power throughout US history
- Understand the history of the US judiciary
- Identify the duties and evaluate the relative power of different actors in the judicial branch
- Identify the key features of judicial philosophy
- Describe the course of a case as it moves through the judicial branch
- Evaluate the relative power of the three branches of government
- Evaluate the impact of public opinion on the judiciary
- Describe the relationship between the judicial branch and linkage institutions such as the media, interest groups, and political parties

Notebook and Supply Check
You'll need the following for our notebook check **on Wed 3/4.** 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 4c*
- Unit guide 4b
- Conservative/Liberal Chart
- Understanding the Amendments (unit guide 1, p.13)
- Federalist Papers #10, 51, Brutus (unit 1, p. 5-12)
- Key Terms: Foundations of American Democracy (unit 1, p. 5-6)
- Key Terms: American Political Ideologies (unit 2, p. 3-4)
- Key Terms: Political Participation (unit 3, p.7-8)
- Key Terms: Institutions—Congress (unit 4a, p. 5)
- Key Terms: Institutions—Presidency (unit 4b, p. 3)
- *Interactions Among Branches of Government Unit Overview* (unit 4a, p. 3)
- Chapter 3: Federalism section handout
- 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). This will help you review for semester tests and the AP exam in May. [If you are using a notebook, put that in this place for this check.]

Unit 2: Political Beliefs/Political Behaviors (this includes all of your SEVEN outlines put in order with a cover page stapled to the top). This will help you review for semester tests and the AP exam in May. [If you are using a notebook, put that in this place for this check.]

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).

Name:_____ **Date:**_____**Per:**_____

ALEXANDER HAMILTON & *FEDERALIST NO. 78*

Read and mark. Highlight any reference you see to the three branches of government.
Above each highlighted reference write: **C for Congress, P for POTUS, and S for SCOTUS**

Answer any 8 of the following

1. Alexander Hamilton wrote that, "*The judiciary …will always be the least dangerous to the political rights of the Constitution; because it will be least in a capacity to annoy or injure them."* Wait a second, what did Hamilton just say? Could you please translate the preceding Hamilton quote into a 140-character Tweet:

_____

_____

2. Do you agree with Hamilton that the judiciary is the least dangerous branch? And if Hamilton is correct that the judiciary is the least dangerous branch, in your humble opinion, what is the most dangerous branch?

_____

_____

3. But wait, Hamilton's not done… *"It proves incontestably that the judiciary is beyond comparison the weakest of the three departments of power."* Based on the checks and balances written into the Constitution, and the actual contemporary behavior of the government, do you agree with Hamilton's assessment in his preceding quote?

_____

_____

4. Now Hamilton's going to get off the relative powers of the branches riff and get to the part about an independent judiciary. He writes, *"Nothing can contribute so much to its firmness and independence as permanency in office, this quality may therefore be justly regarded as an indispensable ingredient in its constitution."* What does independence mean?

_____

_____

5. In your opinion, what would happen if we had elections for Supreme Court Justices?

_____

_____

6. According to Hamilton, what should judges do when laws stand in opposition to the Constitution?

7. Use a direct quote from Federalist 78 to answer the following. Why, Mr. Hamilton, should judges serve for life?

8. Use a direct quote from Federalist 78 to answer the following. What, Mr. Hamilton, should happen when laws are unconstitutional?

9. Overall, does Hamilton's argument convince you? Why or why not?

10. As you know, Alexander Hamilton was not only a great thinker and writer, he was also, a famous rapper. Turn any section of this Federalist paper into a series of rhymes.

Name:_____ **Date:**_____ **Per:**____

The Federalist No. 78

The Judiciary Department

Independent Journal
Saturday, June 14, 1788
[Alexander Hamilton]

WE PROCEED now to an examination of the judiciary department of the proposed government.

In unfolding the defects of the existing Confederation, the utility and necessity of a federal judicature have been clearly pointed out. It is the less necessary to recapitulate the considerations there urged, as the propriety of the institution in the abstract is not disputed; the only questions which have been raised being relative to the manner of constituting it, and to its extent. To these points, therefore, our observations shall be confined.

The manner of constituting it seems to embrace these several objects: 1st. The mode of appointing the judges. 2d. The tenure by which they are to hold their places. 3d. The partition of the judiciary authority between different courts, and their relations to each other.

First. As to the mode of appointing the judges; this is the same with that of appointing the officers of the Union in general, and has been so fully discussed in the two last numbers, that nothing can be said here which would not be useless repetition.

Second. As to the tenure by which the judges are to hold their places; this chiefly concerns their duration in office; the provisions for their support; the precautions for their responsibility.

According to the plan of the convention, all judges who may be appointed by the United States are to hold their offices *during good behavior*; which is conformable to the most approved of the State constitutions and among the rest, to that of this State. Its propriety having been drawn into question by the adversaries of that plan, is no light symptom of the rage for objection, which disorders their imaginations and judgments. The standard of good behavior for the continuance in office of the judicial magistracy, is certainly one of the most valuable of the modern improvements in the practice of government. In a monarchy it is an excellent barrier to the despotism of the prince; in a republic it is a no less excellent barrier to the encroachments and oppressions of the representative body. And it is the best expedient which can be devised in any government, to secure a steady, upright, and impartial administration of the laws.

Whoever attentively considers the different departments of power must perceive, that, in a government in which they are separated from each other, the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution; because it will be least in a capacity to annoy or injure them. The Executive not only dispenses the honors, but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society; and can take no active resolution whatever. It may truly be said to have neither FORCE nor WILL, but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments.

This simple view of the matter suggests several important consequences. It proves incontestably, that the judiciary is beyond comparison the weakest of the three departments of power[1]; that it can never attack with

success either of the other two; and that all possible care is requisite to enable it to defend itself against their attacks. It equally proves, that though individual oppression may now and then proceed from the courts of justice, the general liberty of the people can never be endangered from that quarter; I mean so long as the judiciary remains truly distinct from both the legislature and the Executive. For I agree, that "there is no liberty, if the power of judging be not separated from the legislative and executive powers."[2] And it proves, in the last place, that as liberty can have nothing to fear from the judiciary alone, but would have every thing to fear from its union with either of the other departments; that as all the effects of such a union must ensue from a dependence of the former on the latter, notwithstanding a nominal and apparent separation; that as, from the natural feebleness of the judiciary, it is in continual jeopardy of being overpowered, awed, or influenced by its co-ordinate branches; and that as nothing can contribute so much to its firmness and independence as permanency in office, this quality may therefore be justly regarded as an indispensable ingredient in its constitution, and, in a great measure, as the citadel of the public justice and the public security.

The complete independence of the courts of justice is peculiarly essential in a limited Constitution. By a limited Constitution, I understand one which contains certain specified exceptions to the legislative authority; such, for instance, as that it shall pass no bills of attainder, no *ex post facto* laws, and the like. Limitations of this kind can be preserved in practice no other way than through the medium of courts of justice, whose duty it must be to declare all acts contrary to the manifest tenor of the Constitution void. Without this, all the reservations of particular rights or privileges would amount to nothing.

Some perplexity respecting the rights of the courts to pronounce legislative acts void, because contrary to the Constitution, has arisen from an imagination that the doctrine would imply a superiority of the judiciary to the legislative power. It is urged that the authority which can declare the acts of another void, must necessarily be superior to the one whose acts may be declared void. As this doctrine is of great importance in all the American constitutions, a brief discussion of the ground on which it rests cannot be unacceptable.

There is no position which depends on clearer principles, than that every act of a delegated authority, contrary to the tenor of the commission under which it is exercised, is void. No legislative act, therefore, contrary to the Constitution, can be valid. To deny this, would be to affirm, that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers, may do not only what their powers do not authorize, but what they forbid.

If it be said that the legislative body are themselves the constitutional judges of their own powers, and that the construction they put upon them is conclusive upon the other departments, it may be answered, that this cannot be the natural presumption, where it is not to be collected from any particular provisions in the Constitution. It is not otherwise to be supposed, that the Constitution could intend to enable the representatives of the people to substitute their *will* to that of their constituents. It is far more rational to suppose, that the courts were designed to be an intermediate body between the people and the legislature, in order, among other things, to keep the latter within the limits assigned to their authority. The interpretation of the laws is the proper and peculiar province of the courts. A constitution is, in fact, and must be regarded by the judges, as a fundamental law. It therefore belongs to them to ascertain its meaning, as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two, that which has the superior obligation and validity ought, of course, to be preferred; or, in other words, the Constitution ought to be preferred to the statute, the intention of the people to the intention of their agents.

Nor does this conclusion by any means suppose a superiority of the judicial to the legislative power. It only supposes that the power of the people is superior to both; and that where the will of the legislature, declared in its statutes, stands in opposition to that of the people, declared in the Constitution, the judges ought to be governed by the latter rather than the former. They ought to regulate their decisions by the fundamental laws, rather than by those which are not fundamental.

This exercise of judicial discretion, in determining between two contradictory laws, is exemplified in a familiar instance. It not uncommonly happens, that there are two statutes existing at one time, clashing in whole or in part with each other, and neither of them containing any repealing clause or expression. In such a case, it is the province of the courts to liquidate and fix their meaning and operation. So far as they can, by any fair construction, be reconciled to each other, reason and law conspire to dictate that this should be done; where this is impracticable, it becomes a matter of necessity to give effect to one, in exclusion of the other. The rule which has obtained in the courts for determining their relative validity is, that the last in order of time shall be preferred to the first. But this is a mere rule of construction, not derived from any positive law, but from the nature and reason of the thing. It is a rule not enjoined upon the courts by legislative provision, but adopted by themselves, as consonant to truth and propriety, for the direction of their conduct as interpreters of the law. They thought it reasonable, that between the interfering acts of an EQUAL authority, that which was the last indication of its will should have the preference.

But in regard to the interfering acts of a superior and subordinate authority, of an original and derivative power, the nature and reason of the thing indicate the converse of that rule as proper to be followed. They teach us that the prior act of a superior ought to be preferred to the subsequent act of an inferior and subordinate authority; and that accordingly, whenever a particular statute contravenes the Constitution, it will be the duty of the judicial tribunals to adhere to the latter and disregard the former.

It can be of no weight to say that the courts, on the pretense of a repugnancy, may substitute their own pleasure to the constitutional intentions of the legislature. This might as well happen in the case of two contradictory statutes; or it might as well happen in every adjudication upon any single statute. The courts must declare the sense of the law; and if they should be disposed to exercise WILL instead of JUDGMENT, the consequence would equally be the substitution of their pleasure to that of the legislative body. The observation, if it prove any thing, would prove that there ought to be no judges distinct from that body.

If, then, the courts of justice are to be considered as the bulwarks of a limited Constitution against legislative encroachments, this consideration will afford a strong argument for the permanent tenure of judicial offices, since nothing will contribute so much as this to that independent spirit in the judges which must be essential to the faithful performance of so arduous a duty.

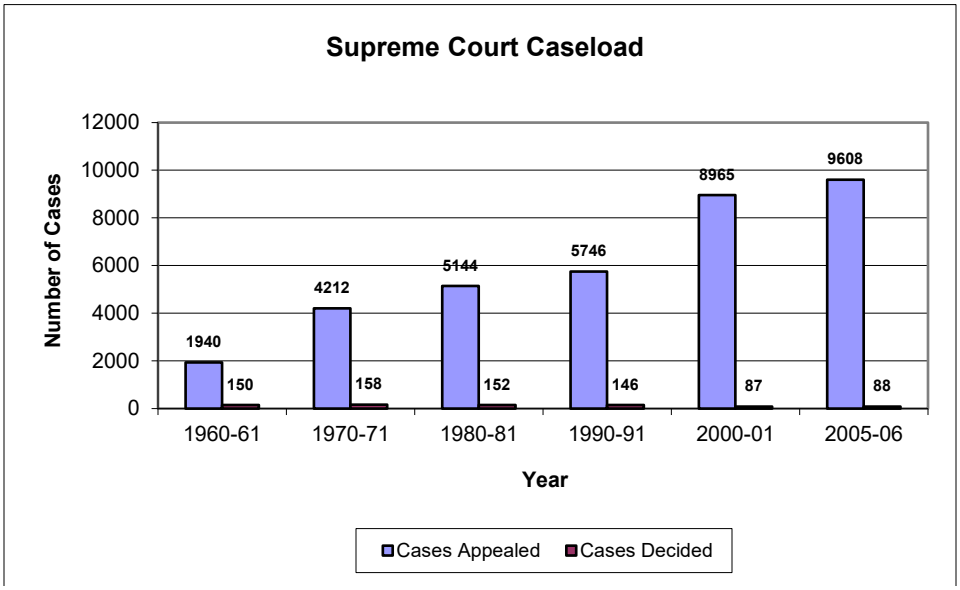
This independence of the judges is equally requisite to guard the Constitution and the rights of individuals from the effects of those ill humors, which the arts of designing men, or the influence of particular conjunctures, sometimes disseminate among the people themselves, and which, though they speedily give place to better information, and more deliberate reflection, have a tendency, in the meantime, to occasion dangerous innovations in the government, and serious oppressions of the minor party in the community. Though I trust the friends of the proposed Constitution will never concur with its enemies,[3] in questioning that fundamental principle of republican government, which admits the right of the people to alter or abolish the established Constitution, whenever they find it inconsistent with their happiness, yet it is not to be inferred from this principle, that the representatives of the people, whenever a momentary inclination happens to lay hold of a majority of their constituents, incompatible with the provisions in the existing Constitution, would, on that account, be justifiable in a violation of those provisions; or that the courts would be under a greater obligation to connive at infractions in this shape, than when they had proceeded wholly from the cabals of the representative body. Until the people have, by some solemn and authoritative act, annulled or changed the established form, it is binding upon themselves collectively, as well as individually; and no presumption, or even knowledge, of their sentiments, can warrant their representatives in a departure from it, prior to such an act. But it is easy to see, that it would require an uncommon portion of fortitude in the judges to do their duty as faithful guardians of the Constitution, where legislative invasions of it had been instigated by the major voice of the community.

But it is not with a view to infractions of the Constitution only, that the independence of the judges may be an essential safeguard against the effects of occasional ill humors in the society. These sometimes extend no farther than to the injury of the private rights of particular classes of citizens, by unjust and partial laws. Here also the firmness of the judicial magistracy is of vast importance in mitigating the severity and confining the operation of such laws. It not only serves to moderate the immediate mischiefs of those which may have been passed, but it operates as a check upon the legislative body in passing them; who, perceiving that obstacles to the success of iniquitous intention are to be expected from the scruples of the courts, are in a manner compelled, by the very motives of the injustice they meditate, to qualify their attempts. This is a circumstance calculated to have more influence upon the character of our governments, than but few may be aware of. The benefits of the integrity and moderation of the judiciary have already been felt in more States than one; and though they may have displeased those whose sinister expectations they may have disappointed, they must have commanded the esteem and applause of all the virtuous and disinterested. Considerate men, of every description, ought to prize whatever will tend to beget or fortify that temper in the courts: as no man can be sure that he may not be to-morrow the victim of a spirit of injustice, by which he may be a gainer to-day. And every man must now feel, that the inevitable tendency of such a spirit is to sap the foundations of public and private confidence, and to introduce in its stead universal distrust and distress.

That inflexible and uniform adherence to the rights of the Constitution, and of individuals, which we perceive to be indispensable in the courts of justice, can certainly not be expected from judges who hold their offices by a temporary commission. Periodical appointments, however regulated, or by whomsoever made, would, in some way or other, be fatal to their necessary independence. If the power of making them was committed either to the Executive or legislature, there would be danger of an improper complaisance to the branch which possessed it; if to both, there would be an unwillingness to hazard the displeasure of either; if to the people, or to persons chosen by them for the special purpose, there would be too great a disposition to consult popularity, to justify a reliance that nothing would be consulted but the Constitution and the laws.

There is yet a further and a weightier reason for the permanency of the judicial offices, which is deducible from the nature of the qualifications they require. It has been frequently remarked, with great propriety, that a voluminous code of laws is one of the inconveniences necessarily connected with the advantages of a free government. To avoid an arbitrary discretion in the courts, it is indispensable that they should be bound down by strict rules and precedents, which serve to define and point out their duty in every particular case that comes before them; and it will readily be conceived from the variety of controversies which grow out of the folly and wickedness of mankind, that the records of those precedents must unavoidably swell to a very considerable bulk, and must demand long and laborious study to acquire a competent knowledge of them. Hence it is, that there can be but few men in the society who will have sufficient skill in the laws to qualify them for the stations of judges. And making the proper deductions for the ordinary depravity of human nature, the number must be still smaller of those who unite the requisite integrity with the requisite knowledge. These considerations apprise us, that the government can have no great option between fit character; and that a temporary duration in office, which would naturally discourage such characters from quitting a lucrative line of practice to accept a seat on the bench, would have a tendency to throw the administration of justice into hands less able, and less well qualified, to conduct it with utility and dignity. In the present circumstances of this country, and in those in which it is likely to be for a long time to come, the disadvantages on this score would be greater than they may at first sight appear; but it must be confessed, that they are far inferior to those which present themselves under the other aspects of the subject.

Upon the whole, there can be no room to doubt that the convention acted wisely in copying from the models of those constitutions which have established *good behavior* as the tenure of their judicial offices, in point of duration; and that so far from being blamable on this account, their plan would have been inexcusably defective, if it had wanted this important feature of good government. The experience of Great Britain affords an illustrious comment on the excellence of the institution. --------PUBLIUS



FEDERAL COURT SYSTEM | **STATE COURT SYSTEM**

Original Jurisdiction | *Appellate Jurisdiction*

U.S. Supreme Court
(hears 75–90 cases per term)

The Supreme Court rarely exercises its original jurisdiction (1–3% of cases heard). Cases are heard by the Supreme Court first when they involve:

- Two or more states
- The United States and a state
- Foreign ambassadors and other diplomats
- A state and a citizen of another state (if the action is begun by the state)

Most cases heard by the Supreme Court are under its appellate jurisdiction (97–99% of cases heard). The Supreme Court can agree to hear cases first heard or decided in lower courts or the state courts involving appeals from:

- U.S. courts of appeals
- Highest state courts (only in cases involving federal questions)
- Court of Military Appeals

Highest State Courts
(50 courts handling 95,000 cases per year)

U.S. Courts of Appeals
(13 courts handling 60,000 cases per year)

No original jurisdiction

Hear appeals of cases from:

- Lower federal courts
- U.S. regulatory commissions
- Legislative courts, including the U.S. Court of Federal Claims and the U.S. Court of Veterans Appeals

State Intermediate Appellate Courts
(found in 39 states; handling 300,000 cases per year)

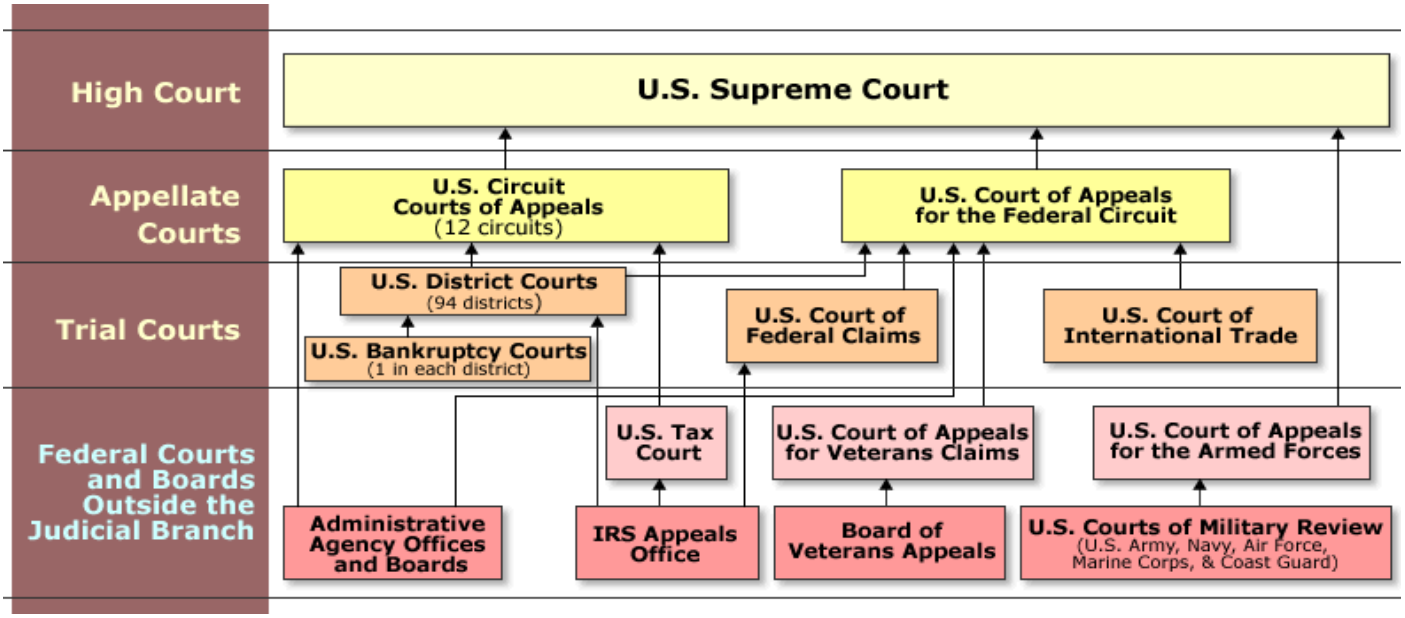
U.S. District Courts
(94 courts handling 325,000 cases per year)

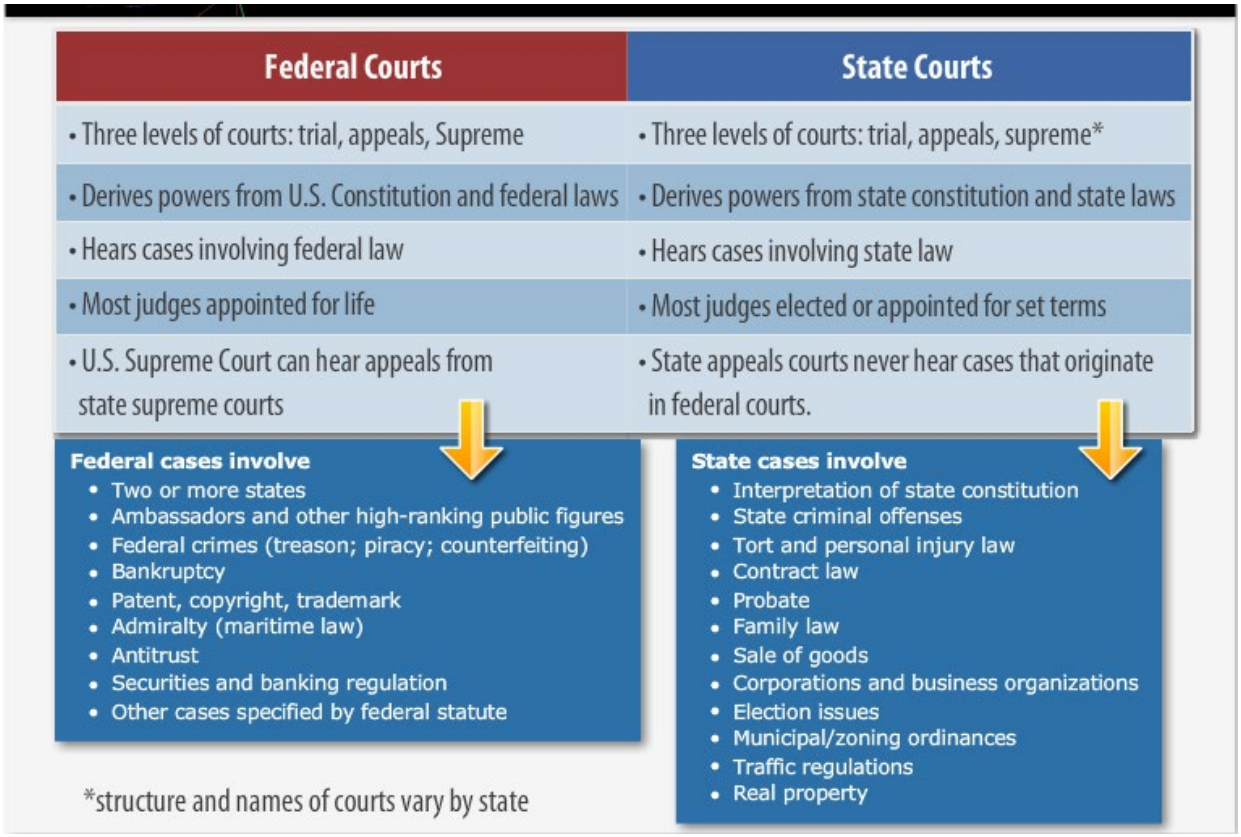
Cases are heard in U.S. district courts when they involve:

- The federal government as a party
- Civil suits under federal law
- Civil suits between citizens of different states if the amount in issue is more than $75,000
- Admiralty or maritime disputes
- Bankruptcy
- Other matters assigned to them by Congress

No appellate jurisdiction

State Trial Courts
(100 million filings per year)


High Court
U.S. Supreme Court
Appellate Courts
U.S. Circuit Courts of Appeals (12 circuits)
U.S. Court of Appeals for the Federal Circuit
Trial Courts
U.S. District Courts (94 districts)
U.S. Bankruptcy Courts (1 in each district)
U.S. Court of Federal Claims
U.S. Court of International Trade
Federal Courts and Boards Outside the Judicial Branch
U.S. Tax Court
U.S. Court of Appeals for Veterans Claims
U.S. Court of Appeals for the Armed Forces
Administrative Agency Offices and Boards
IRS Appeals Office
Board of Veterans Appeals
U.S. Courts of Military Review (U.S. Army, Navy, Air Force, Marine Corps, & Coast Guard)


Federal Courts
State Courts
• Three levels of courts: trial, appeals, Supreme
• Three levels of courts: trial, appeals, supreme*
• Derives powers from U.S. Constitution and federal laws
• Derives powers from state constitution and state laws
• Hears cases involving federal law
• Hears cases involving state law
• Most judges appointed for life
• Most judges elected or appointed for set terms
• U.S. Supreme Court can hear appeals from state supreme courts
• State appeals courts never hear cases that originate in federal courts.
Federal cases involve
• Two or more states
• Ambassadors and other high-ranking public figures
• Federal crimes (treason; piracy; counterfeiting)
• Bankruptcy
• Patent, copyright, trademark
• Admiralty (maritime law)
• Antitrust
• Securities and banking regulation
• Other cases specified by federal statute
State cases involve
• Interpretation of state constitution
• State criminal offenses
• Tort and personal injury law
• Contract law
• Probate
• Family law
• Sale of goods
• Corporations and business organizations
• Election issues
• Municipal/zoning ordinances
• Traffic regulations
• Real property
*structure and names of courts vary by state

Name:_____ Per:_____

Court Case:_____

PRESENTATION DAY:_____

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

Landmark 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. See our example in the shared Google Drive.

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
- ☐ Connection to one other SCOTUS court case on similar issue
- ☐ Tweet about the outcome (140 characters)
- ☐ Uses 1-2 slides
- ☐ In addition, email a three-question multiple-choice question that you created to give students.

Scoring Guide

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

0 1 2 3 4 5 6 7

Presentation is rehearsed, informative, interesting, and entertaining

0 1 2 3 4 5

Contains at least THREE 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 Google Drive on time or properly -5

_____ / 20 (PROJECTS)

Presentation Day: **3/14, 3/18, 3/20 (see sign-ups)**

Slide show must be dropped in my **Google Drive** folder *Key Court Cases*.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. **Label file:** LAST NAME_Court-Case-Period. (e.g. **SMITH_Roe-v-Wade-B1**)

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.

Name:_____ Per:_____

Landmark Court Case Presentation graphic organizer

Case Name	
Case Date	
Chief Justice	
Amendment	
Background	
Court Ruling (include #s & dissent)	
Constitutional Issue & Significance	
Related court cases	
Clever Tweet on what this case is about (140 characters)	

KEY COURT CASES

1. **Marbury v. Madison (1803)** Established the principle of judicial review empowering the Supreme Court to nullify an act of the legislative or executive branch that violates the Constitution

2. **McCulloch v. Maryland (1819)** Established supremacy of the US Constitution and federal laws over state laws

3. **Schenck v. U.S. (1919)** Speech creating a "clear and present danger" is not protected by the First Amendment

4. **Brown v. Board of Education (1954)** Race-based school segregation violates the equal protection clause

5. **Engel v. Vitale (1962)** School sponsorship of religious activities violates the establishment clause

6. **Baker v. Carr (1962)** Opened the door to equal protection challenges to redistricting and the development of the "one person, one vote" doctrine

7. **Gideon v. Wainright (1963)** Guaranteed the right to an attorney for the poor and indigent

8. **Tinker v. Des Moines Independent Community School District (1969)** Public school students have the right to wear black armbands in school to protest the Vietnam War

9. **New York Times Co. v. United States (1971)** Bolstered the freedom of the press, establishing a "heavy presumption against prior restraint" even in cases involving national security

10. **Wisconsin v. Yoder (1972)** Compelling Amish students to attend school past the eighth grade violates the free exercise clause

11. **Roe v. Wade (1973)** Extended the right to privacy to a woman's decision to have an abortion

12. **Shaw v. Reno (1993)** Legislative redistricting must be conscious of race and ensure compliance with the Voting Rights Act of 1965

13. **U.S. v. Lopez (1995)** Congress may not use the commerce clause to make possession of a gun in a school zone a federal crime

14. **McDonald v. Chicago (2010)** The Second Amendment right to keep and bear arms for self-defense is applicable to the states

15. **Citizens United v. FEC (2010)** Political spending by corporations, associations, and labor unions is a form of protected speech under the First Amendment

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16. **Plessy v. Ferguson (1896)** Established separate but equal principle.

17. **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

18. **Mapp v. Ohio (1961)** Established exclusionary rule; illegally obtained evidence cannot be used in court; Warren Court's judicial activism

19. **Griswald v. Connecticut (1965)** Established right of privacy through 4th and 9th Amendments. Set a precedent for Roe v. Wade.

20. **Loving v. Virginia (1967)** Ruled that Virginia's ban on interracial marriage is unconstitutional

21. **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.

22. **U.C. Regents v. Bakke (1978)** Alan Bakke and UC Davis Medical School; strict quotas are unconstitutional., but states may allow race to be taken into account as ONE factor in admissions decisions. Bakke admitted.

23. **Texas v. Johnson (1989)** Struck down Texas law banning flag burning, a protected form of symbolic speech.

24. **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)

25. **Lawrence v. Texas (2003)** Using right of privacy, struck down Texas law banning sodomy law (homosexual sexual activity).

26. **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.

27. **Kelo v. City of New London (2005)** Eminent domain case: Local governments may force the sale of private property and make way for <u>private</u> economic development when officials decide it would benefit the public.

28. **Gonzales v. Carhart (2007)** Upheld Partial Birth Abortion Ban Act of 2003.

29. **DC v. Heller (2008)** Struck down a DC ordinance that banned handguns. Allows for private ownership

30. **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.

31. **Burwell v. Hobby Lobby (2014)** Under the Religious Freedom Restoration Act, private companies cannot be forced to provide contraception under their health insurance programs.

32. **Obergefell v. Hodges (2015**) Struck down same-sex marriage bans in states under the Equal Protection clause of the Fourteenth Amendment.

33. **Masterpiece Cake Shop v. Colorado Civil Rights Commission (2018)** The Colorado Civil Rights Commission's conduct in evaluating a cake shop owner's reasons for declining to make a wedding cake for a same-sex couple violated the Free Exercise Clause.

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.
18. Law Clerks
19. Solicitor General
20. Amicus Curiae Briefs
21. Dissenting Opinion
22. Concurring Opinion