Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Period:\_\_\_\_\_\_\_\_

**AP US Government**

**Unit 6: Policymakers: Supreme Court and Civil Rights and Liberties**

**Period 1 and 2**

**Objective:** Article III of the Constitution establishes the judicial branch. One Supreme Court and a number of inferior courts will be analyzed in promoting civil rights and civil liberties through out a diverse community. This branch balances out the democratic principles established by the framers who felt it important to put a device that stabilized the power of the executive and legislative branches.

The student will:

1. evaluate the formal and informal powers of the judicial branch.

2. analyze the relationships between this branch and other two, describing the varying balances of power.

3. analyze the development of civil liberties and civil rights by judicial interpretation.

4. understand the knowledge of substantive rights and liberties.

5. understand the impact of the Fourteenth Amendment on the constitutional development of rights and liberties.

**Chapter 16 Study Guide – The Federal Courts**

**Vocabulary:** On index cards, define the following terms.

|  |  |  |
| --- | --- | --- |
| 1. Standing to sue 2. Class action suits 3. Justiciable disputes 4. Amicus curiae briefs 5. Original jurisdiction 6. Appellate jurisdiction 7. District courts 8. Courts of appeal | 1. Supreme Court 2. Senatorial courtesy 3. Solicitor general 4. Opinion 5. Stare decisis 6. Precedent 7. Judicial implementation 8. Original intent | 1. *Marbury v. Madison* 2. Judicial review 3. *United States v. Nixon* 4. Judicial restraint 5. Judicial activism 6. Political questions 7. Statutory construction |

**Questions:** Complete the following as you read chapter 16 in your textbook.

1. Explain the difference between criminal law and civil law.

Criminal law:

Civil law:

1. List three regular participants in the judicial system other than judges.
2. What are the differences between constitutional courts and legislative courts?

Constitutional courts:

Legislative courts:

1. Complete the following table on the structure of the federal judicial system.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Court** | **Number of courts** | **Number of judges** | **Jurisdiction** | **Policy implications** |
| District Court |  |  |  |  |
| Court of Appeal |  |  |  |  |
| Supreme Court |  |  |  |  |

1. What is the role of a U.S. attorney?
2. Explain the practice of senatorial courtesy.
3. Name three conditions under which nominations to the Supreme Court are more likely to run into trouble.
4. Present a demographic profile of the “typical” federal judge.
5. List six criteria that have been important in choosing Supreme Court justices over the years.
6. What are the functions of *amicus curiae* briefs?
7. What are the differences between a majority opinion, a dissenting opinion, and a concurring opinion?

Majority opinion:

Dissenting opinion:

Concurring opinion:

1. What is the difference between *stare decisis* and precedent?

*Stare decisis:*

Precedent:

1. List and explain the three elements of judicial implementation according to Charles Johnson and Bradley Canon.
2. Explain the principle of judicial review.
3. Complete the following table on public policy and the Supreme Court.

|  |  |  |  |
| --- | --- | --- | --- |
| **Court** | **Basic ideology** | **Judicial restraint or judicial activism** | **Key cases** |
| Warren Court |  |  |  |
| Burger Court |  |  |  |
| Rehnquist Court |  |  |  |

1. In what ways might it be said that courts are not a very democratic institution?
2. Explain the difference between judicial activism and judicial restraint.
3. Give an example of political questions and statutory construction.

Political question:

Statutory construction:

**Chapter 4 Study Guide – Civil Liberties and Public Policy**

**Vocabulary:** On index cards, define the following terms.

|  |  |  |
| --- | --- | --- |
| 1. Civil liberties 2. Bill of Rights 3. First Amendment 4. Fourteenth Amendment 5. Due process clause 6. Incorporation doctrine 7. Establishment clause 8. Free exercise clause 9. Prior restraint | 1. Libel 2. Symbolic speech 3. Commercial speech 4. Probable cause 5. Unreasonable searches and seizures 6. Search warrant 7. Exclusionary rule | 1. Fifth Amendment 2. Self-incrimination 3. Sixth Amendment 4. Plea bargaining 5. Eighth Amendment 6. Cruel and unusual punishment 7. Right to privacy |

**Key Cases:** On index cards, identify the importance of the following cases.

|  |  |  |
| --- | --- | --- |
| 1. *Barron v. Baltimore* 2. *Gitlow v. New York* 3. *Lemon v. Kurtzman* 4. *Engel v. Vitale* 5. *Near v. Minnesota* | 1. *Schenck v. United States* 2. *Zurcher v. Stanford Daily* 3. *Miller v. California* 4. *New York Times v. Sullivan* 5. *Texas v. Johnson* | 1. *Mapp v. Ohio* 2. *Miranda v. Arizona* 3. *Gideon v. Wainwright* 4. *Roe v. Wade* 5. *Planned Parenthood v. Casey* |

**Questions:** Complete the following as you read chapter 4 in your textbook.

1. What was the most important difference between the Supreme Court’s decision in *Barron v. Baltimore* and the one in *Gitlow v. New York*?
2. Explain the importance of the Fourteenth Amendment.
3. List four Supreme Court cases concerning the establishment clause and comment on the significance of each.
4. List and explain the significance of three Supreme Court cases concerning free speech and public order.
5. How did the Supreme Court define obscenity in the case of *Miller v. California*?
6. How are the standards for winning libel lawsuits different for public figures and private individuals?
7. Who regulates commercial speech?
8. What is the function of the Federal Communication Commission (FCC)?
9. Explain two facets of the freedom of assembly.
10. Explain the Supreme Court ruling in *District of Columbia v. Heller* (2008).
11. How are the following terms interrelated: probable cause, unreasonable searches and seizure, search warrant, and exclusionary rule?
12. What are the three guidelines for police questioning of suspects as set forth in *Miranda v. Arizona* (1966)?
13. What is the significance of the Supreme Court case of *Gideon v. Wainwright* (1963)?
14. What are the pros and cons of plea bargaining?
15. List and explain the importance of three Supreme Court cases concerning the death penalty.
16. Explain how the Constitution implies a right to privacy.
17. List and explain the importance of four Supreme Court cases concerning abortion.
18. In your opinion, are the rights guaranteed in the Fourth, Fifth, Sixth, Seventh, and Eighth Amendments more beneficial to criminals or the society at large? Why?
19. In what ways do civil liberties limit the scope of government? In what ways do they expand the scope of government?

**Chapter 5 Study Guide – Civil Rights and Public Policy**

**Vocabulary:** On index cards, define the following terms.

|  |  |  |
| --- | --- | --- |
| 1. Civil rights 2. Fourteenth Amendment 3. Equal protection of the laws 4. Thirteenth Amendment 5. Civil Rights Act of 1964 6. Suffrage | 1. Fifteenth Amendment 2. Poll taxes 3. White primary 4. Twenty-fourth Amendment 5. Voting Rights Act of 1965 6. Nineteenth Amendment | 1. Equal Rights Amendment 2. Comparable worth 3. Americans with Disabilities Act of 1990 4. Affirmative action |

**Key Cases:** On index cards, identify the importance of the following cases.

|  |  |  |
| --- | --- | --- |
| 1. *Dred Scott v. Sanford* 2. *Plessy v. Ferguson* 3. *Brown v. Board of Education* | 1. *Hernandez v. Texas* 2. *Korematsu v. United States* | 1. *University of California v. Bakke* 2. *Adarand Constructors v. Pena* |

**Questions:** Complete the following as you read chapter 5 in your textbook.

1. What are the three key types of inequality in America?
2. Explain the two major conceptions of equality.
3. What is the only mention of the idea of equality in the Constitution?
4. Explain the Supreme Court’s three standards for classifications under the equal protection clause and give an example of each.
5. Compare and contrast the significance of the Supreme Court cases of *Scott v. Sandford* (1857), *Plessy v. Ferguson* (1896), and *Brown v. Board Education* (1954).
6. What is the difference between *de jure* segregation and *de facto* segregation?
7. List the six major provisions of the Civil Rights Act of 1964.
8. List and explain four ways in which the southern states denied African Americans the right to vote.
9. What was the impact of the Voting Rights Act of 1965?
10. List four other minority groups that have faced discrimination similar to that experienced by African Americans.
11. What was the Equal Rights Amendment?
12. List and explain the significance of four Supreme Court cases dealing with sex-based discrimination.
13. How has Congress attempted to end sex discrimination in the area of employment?
14. In what two ways are women legally treated differently in the military?
15. How has the Supreme Court dealt with the issue of sexual harassment?
16. In what ways are the elderly discriminated against in American society?
17. What are the main provisions of the Rehabilitation Act of 1973 and Americans with Disabilities Act of 1990?
18. Why might gays and lesbians face the toughest battle for equality?
19. List four cases in which the Supreme Court seems to support affirmative action and four cases in which it seems to oppose affirmative action.

|  |  |
| --- | --- |
| ***Support:*** | ***Oppose:*** |

1. How do civil rights laws increase the scope and power of government?