Unit 5 – The Courts and Civil Liberties

Chapters in Unit

Chapter 16 - The Federal Courts   
Chapter 4 – Civil Liberties

**Chapter 16 – The Federal Courts**

Key Terms

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| Standing to sue | Original intent | Opinion of the court |
| Appellate jurisdiction | Justiciable disputes | dissenting opinion |
| precedent | Solicitor general | concurring opinion |
| Class action suits | Judicial review | Judicial restraint |
| Senatorial courtesy | Amicus curiae briefs | Original jurisdiction |
| Stare decisis | Judicial activism |  |

Focus Questions

1. What is the difference between criminal law and civil law cases?

2. Who are the two litigants in a case and describe fully under what conditions and/or restrictions a court can hear a case? In doing so, talk about the relationship between standing to sue, class action suits, and justiciable suits.

3. How do interest groups use the courts to achieve their goals?

4. What piece of legislation created the federal court system? How do courts with original jurisdiction differ from those with appellate jurisdiction?

5. Explain the organization, jurisdiction, and overall function/processes of the district courts. Also here, what is a U.S. attorney and what is their role?

6. Explain the organization, jurisdiction, and overall function/processes of the U.S. courts of appeal.

7. Explain the organization, jurisdiction, and overall function/processes of the U.S. Supreme Court.

8. In what cases does the Supreme Court have original jurisdiction? Where do most of the cases the Court hears come from?

9. To appeal to the Court from a state’s highest court dealing with state law, what must a defendant show the SCOTUS?

10. When are presidential nominations to the Supreme Court more likely to run into trouble in the Senate confirmation process?

11. Explain why partisanship is such an important influence on the selection of judges.

12. Explain why ideology is such an important influence on the selection of judges.

13. Explain the “rule of four” and writ of certiorari in the process of accepting cases to hear. Also, which cases is the Court likely to hear?

14. How do stare decisis and precedent play a role in the opinion that the court hands down?

15. In describing the impact of judicial implementation, explain the difference between the interpreting, implementing, and consumer populations.

16. Explain the significance of the Marshall Court as reflected in the Marbury v. Madison case.

17. When did the Warren Court reign and why is it considered such an important era in Court history.

18. A number of considerations affect the Court as a policymaker. Describe the difference between advocates of judicial restraint and proponents of judicial activism. Why is it important not to confuse activism and restraint with liberalism or conservatism? What is the political questions doctrine and how is it used by the Court?

**Supreme Court Cases**: For all cases, research and take notes on what happened in the case to bring it to the Supreme Court (the facts), the constitutional question before the Court, the decision and reasoning of the Court, and the significance of the case as legal precedent.

-*Marbury v. Madison (1803)*

**Chapter 4 – Civil Liberties**

Key Terms

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| --- | --- | --- |
| Bill of Rights | Due Process Clause | Incorporation Doctrine |
| Establishment clause | Free Exercise Clause | Prior restraint |
| Libel | Federal Communications Commission | Probable cause |
| Search warrant | Exclusionary rule | Self-incrimination |

Focus Questions

1. How do civil liberties differ from civil rights?

2. Why did the Bill of Rights seem like a fitting inclusion to the Constitution based on what was going on? What have political scientists found out about public opinion of the Bill of Rights?

3. Describe the incorporation doctrine. How did the doctrine open up new application to the long-standing Bill of Rights? (See Table 4.2 – Pg 110)

4. Why has the SCOTUS come to very few definitive decisions in the area of religion?

5. Has the SCOTUS ruled that the rights of speech, assembly, the bearing of arms, and others to be absolute? Cite some examples of how the court has found reason not to extend those rights and liberties completely.

5. In what ways has the FCC regulated the media? In what ways does the FCC have a more hands off approach?

6. Privacy is not a listed right in the Bill of Rights. Describe how the SCOTUS has dealt with the issue of privacy.

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-*Barron v. Baltimore (1833)*  
 -*Gitlow v. New York (1925)*  
 -*Schenck v. United States (1919)*