

I. THE FEDERAL JUDICIARY

- Review vocabulary of Supreme Court (ex: *writ of certiorari*, *stare decisis*, majority opinion)
- Principles of the American legal system: Equal Justice Under the Law; Due Process; Adversarial System of Justice; Presumption of Innocence
- Federal & state courts: dual court system
- Jurisdiction: 1) *Original jurisdiction*- trial court, hears case for the 1st time 2) *Appellate jurisdiction* - appeals decisions from lower courts
- Types of law: criminal law, civil law, constitutional
- Federal Courts and jurisdiction: US District Courts, U.S. Courts of Appeal, U.S. Supreme Court
- *Marbury v. Madison* and *McCulloch v. Maryland*/judicial review, implied powers, national supremacy
- Judicial philosophy: Judicial Restraint (strict-constructionism), Judicial Activism
- The Supreme Court and: civil rights, civil liberties, economics, Congress, the President
- To what extent is the Court influenced by public opinion? Ex: civil rights decisions
- Structure of the Federal court system
- The politics of presidential appointments process for federal judges, especially the Supreme Court
- How cases get to the Supreme Court: *writ of certiorari* and the “Rule of Four”
- Role and importance of the Chief Justice; focus on Marshall, Warren, Burger, Rehnquist, Roberts courts
- Landmark Cases of the Supreme Court!!!

II. BILL OF RIGHTS AND CIVIL LIBERTIES

- Restrictions on government — individual rights
- KNOW THE BILL OF RIGHTS + THE 14TH AMENDMENT!!!!!!
- 14th amendment and the Incorporation Doctrine (*Gitlow v. NY*)
- Controversy over rights (review Supreme Court cases in each category):
- Freedom of Religion: Establishment Clause and Free Exercise Clause particularly re: religion and schools;
 - Key cases: *Reynolds v. U.S.*, *WVa Board of Education v. Barnett*, *Engel v. Vitale*, *Wisconsin v. Yoder*, *Lemon v. Kurtzman*, *Oregon Employment Division v. Smith*
- Freedom of the Press: “prior restraint,” freedom v public good
 - Key cases: *NY Times v. Sullivan*, *NY Times v. U.S.*
- Freedom of Speech: symbolic speech; hate speech; libel and slander
 - Key cases: *Schenck v United States*, *Gitlow v. New York*, *Tinker v Des Moines*, *Texas v Johnson*
- Freedom of Assembly — Peaceably? Petition? Public safety? Public and private land? Advocacy of violence?
- Right to Keep and Bear Arms: 2nd Amendment - Individual or group right?
 - Key cases: *District of Columbia. v. Heller*, *McDonald v. Chicago*
- Right to Privacy — 4th, 9th, 14th amendments, probable cause? Persons? Houses? Papers? Effects? Unreasonable? Emergencies? Abortion?
 - Key cases: *Griswold v. Connecticut*, *Roe v. Wade*
- Due Process — indictment, double jeopardy, self-incrimination, speedy and public trial, informed of charges, confronted with witnesses, right to attorney, cruel and unusual punishment, excessive bail
 - Key cases: *Mapp v. Ohio*, *Gideon v. Wainwright*, *Miranda v. Arizona*, *Gregg v. Georgia*

III. CIVIL RIGHTS

African American Civil Rights Movement

- Constitutional Keys to Civil Rights Cases:
 - 14th Amendment: Citizenship Clause, Due Process Clause, Equal Protection Clause
 - 15th Amendment: suffrage
- Jim Crow Laws: *de jure* segregation (by law) and *de facto* segregation (in reality),
 - Key cases: *Plessey v Ferguson*, *Brown v Board I*, *Brown v. Board II*
- “Strict Scrutiny Test” [race] and “Reasonableness Standard” [gender]
- Civil Rights Act of 1964 (banned discrimination based on race and sex in public facilities and workplace)
- Voting Rights Act of 1965 (outlawed literacy tests, federal officials register new voters)
- Affirmative action - Set of laws, policies, guidelines, and administrative practices "intended to end and correct the effects of a specific form of discrimination; emphasis on access and opportunity"
 - Key Case: *Regents of the University of California v. Bakke* (1978). - reverse discrimination; no quotas

Women and Equal Rights

- 14th Amendment and “protective paternalism”
- 19th Amendment; controversy over the ERA; Title IX, *Roe v Wade*
- 1970s different treatment of sexes under the law questioned; “reasonableness standard” to “suspect standard”
- Gender discrimination current: military draft, child custody, single sex public schools, abortion rights, equality in the workplace

Key Review Handouts:

- Landmark Cases of the Supreme Court
- Civil Liberties and 1st Amendment Religion and Speech
- Civil Rights/Right to Privacy
- Rights of the Accused