Terms:
Docket judicial activism
Criminal case judicial restraint
Civil case appellate jurisdiction
Writ of certiorari legislative court
Certificate redress
Precedents civilian tribunal
Brief original jurisdiction
Common good popular sovereignty
Purview Rule of law
Trial court Stare decisis
Judicial review
Dissenting opinion
Concurring opinion
Majority opinion
Amicus curiae
Plaintiff
Defendant
Circuit court
Jurisdiction

Questions to Ponder

• What is the rule of four?

• Explain Marbury v. Madison

• What jurisdiction does the Supreme Court have?

• What are constitutional courts
  What are special/legislative courts

• Under what circumstances may federal courts hear a case

• What is the first court to hear a case?
  a. at the federal level
  b. at the state level
• How did the Articles of Confederation deal with the court system?

• What is the structure of the federal court system?
  a. what created this structure

• What was the most important reason why the United States needed a national court system?

• What is the living legacy any president leaves behind?

• What are the three types of opinion that the Supreme Court may issue?

• What are the traditions of the Supreme Court?

• What is the purpose of dissenting opinions? Concurring opinions?

• Why are the courts of appeals called “gatekeepers”?

• Why did the Framers of the Constitution provide for life tenure?

• Describe the procedures of how a case moves through the Supreme Court?

• Describe the role of federal marshals.

• Why and when were the courts of appeals created?

• How does the Court of Appeals for the Federal Circuit differ from the twelve other federal courts of appeals?

• Who usually hears cases brought before the courts of appeals?

• Who is the petitioner and who is the respondent?

• What is the court’s Rule 10?

• For how long can each side argue their case?

• What happens if the Court is evenly divided on a case?

• What constitutes a quorum of justices?

• Compare originalism to living constitution interpretations of the U.S. Constitution

**Court Cases to know:**

• Dred Scott

• Texas v. Johnson

• Kyllo v. United States

• Roper v. Simmons

• Roe v. Wade

• Marbury v. Madison

• Plessy v. Ferguson

• Brown v. Board of Education

• The incorporation cases
**Key Terms:** After reading this chapter, students should understand the following concepts and their relevance to American government. Please note the large number of Supreme Court decisions in this Chapter. Students should take the time to acquaint themselves with the cases, and how each case helped shape the nature of civil liberties in the United States.

Alien and Sedition Acts

*Barron v. Baltimore* (1833)

Bill of Rights


*Brandenburg v. Ohio* (1969)

*Chaplinsky v. New Hampshire* (1942)

Civil Liberties

Clear and Present Danger Test

Direct Incitement Test

Due Process Clause

Eighth Amendment

*Engel v. Vitale* (1962)

Establishment Clause

Exclusionary Rule

First Amendment

Fifth Amendment

Fourth Amendment

Free Exercise Clause

*Furman v. Georgia* (1972)
Gideon v. Wainwright (1963)

Gitlow v. New York (1925)

Gregg v. Georgia (1976)

Griswold v. Connecticut (1965)

'Knock and Announce' Requirements

Lemon v. Kurtzman (1971)

Lemon Test

Libel


Miller v. California (1931)

Miranda v. Arizona (1966)

Near v. Minnesota (1937)


'Open Fields' Doctrine

Palko v. Connecticut (1937)


Probable Cause

Prior Restraint

Religious Freedom Restoration Act

Roe v. Wade (1973)

Second Amendment

Selective Incorporation
Sixth Amendment

Slander

Symbolic Speech


Warrant

Warrantless Searches

*Webster v. Reproductive Health Services* (1989)

*Weeks v. U.S.* (1914)

**Chapter Six: Civil Rights**

Key Concepts and Issues: Students should be able to define the following terms and their relevance for American government and politics.

Abolitionist Movement

Abolition

Affirmative Action

Americans With Disabilities Act (1990)

*Bakke v. Regents of the University of California* (1978)

Black Codes


*Brown II*

Civil Rights

Civil Rights Act of 1964

*Civil Rights Cases* (1883)

Civil War Amendments

Compromise of 1820 (the Missouri Compromise)
Constitutional Standard of Review (Strict Scrutiny, Suspect Classifications, Minimum Rationality Standard)

*De Facto* Discrimination

*De Jure* Discrimination

*Dred Scott v. Sandford* (1857)

Equal Employment Opportunity Commission (EEOC)

Equal Protection Clause

Equal Rights Amendment (ERA)

*Feminine Mystique, The* (1962) (Betty Freidman)

Fifteenth Amendment (1870)

Fourteenth Amendment (1868)

Franchise

Freedom Rides

Fundamental Freedoms

Jim Crow Laws

King, Rev. Martin Luther

March on Birmingham

Marshall, Thurgood

Mexican American Legal Defense and Education Fund (MALDEF)

Montgomery Bus Strike

*Muller v. Oregon* (1908)

National Association for Advancement of Colored People (NAACP)

National Organization of Women (NOW)

Native American Rights Fund (NARF)
Nineteenth Amendment (1920)

Parks, Rosa


_Plessy v. Ferguson_ (1896)

Privileges and Immunities Clause

Reverse Discrimination

Seneca Falls Convention

Separate but Equal

Southern Christian Leadership Conference (SCLC)

Strict Scrutiny

Student Nonviolent Coordinating Committee (SNCC)

Suffrage Movement

Test Cases

Thirteenth Amendment (1865)

Title VII and Title IX of the Civil Rights Act of 1964 (w/ Amendments)

_The Slaughterhouse Cases_ (1873)

_Uncle Tom's Cabin_ (1852) (Harriet Beecher Stowe)