### AP U.S. Government

**Unit 6: The Judicial Branch, Civil Rights, and Civil Liberties One Pager**

| Judicial Branch |
|------------------|------------------|------------------|
| **Overview**     | **Structure**    | **Judicial Selection** |
| Constitution     | District Courts (94 Districts) | Presidents will nominate judges whom must then be confirmed by the Senate |
| - Article III only mentions the Supreme Court | - They have **Original Jurisdiction** and will hear a case for the first time. Every state has at least one district court. | Characteristics a President wants in a judge |
| - All other inferior (lower) courts created by Congress | - Appellate Courts (13 Circuit Courts) | - Party affiliation—choosing judges from their own political party |
| - Congress sets a courts jurisdiction and decides the number of judges on the Supreme Court. | - Only hear cases on appeal using **Appellate Jurisdiction**. Usually 3 judges per circuit. Circuits broken up by Geography (Ex. Nevada cases go to 9th Circuit) | - Judicial philosophy—appointing judges who share their political ideology |
| Founding Fathers | Supreme Court (9 Justices) | - Race, gender, religion, region—considering these criteria may help bring balance to the court or satisfy certain segments of society |
| - Felt that this was the least dangerous branch of government (Alexander Hamilton Federalist #78) | - Has both **Original** and **Appellate** jurisdiction. | - Judicial experience—previous judicial experience as judges in district courts, courts of appeals, state courts |
| - They do not have the power of war or taxation (the sword or the purse) | - It will hear cases first if it involves suits between two or more states and/or cases involving ambassadors and other public ministers. | - “Litmus test”—a test of ideological purity toward a liberal or conservative stand on certain issues such as abortion |
| **Marbury v. Madison (1803)** | - The vast majority of cases heard before the court are on appeal. | **Terminology** |
| - Establishes the courts power of **Judicial Review**. The court can now declare acts of the Legislative or Executive branches of government unconstitutional. | **Checks** |
| **Writ of Certiorari** | **Majority opinion**—a majority of the justices agree on the decision and its reasons | **Checks Against the Judicial Branch** |
| - “To be made certain.” A request by the Supreme Court to see records from a lower court. If four justices request this the Supreme Court will take the case (**Rule of Four**) | **Concurring opinion**—a justice who agrees with the majority opinion but not with the reasoning behind the decision | - Courts rely on the executive branch to implement their decisions (Andrew Jackson) |
| **Amicus Curiae Briefs** | **Dissenting opinion**—a justice or justices who disagree with the majority opinion | - Impeachment proceedings, though rare, can change the composition of the courts |
| - “Friends of the Court.” These are briefs written by interest groups on behalf of a party in a case (NAACP in Brown v. Board of Ed) | **Judicial Activism**—The court should play an active role in determining national policies (Liberal justices i.e. Brown v. Board of Ed) | - Congress can change the number of judges |
| **Stare Decisis** | **Judicial Restraint**—Court should be more passive. Don’t get involved unless there is a clear violation of the constitution (usually conservative justices) | - Congress can revise legislation to undo Supreme Court decisions. |
| - “To stand by things decided” | | - **Amending the Constitution** can undo Supreme Court decisions and alter the jurisdiction of the courts |
| - Allowing a previous court decision to stand | | **CIVIL RIGHTS** |

### Civil Rights

<table>
<thead>
<tr>
<th>SLAVERY TO CITIZENSHIP</th>
<th>DISENFRANCHISEMENT/SEGREGATION</th>
<th>THE CIVIL RIGHTS MOVEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dred Scott v. Sanford (1857)</strong></td>
<td><strong>JIM CROW LAWS</strong></td>
<td><strong>Brown v. Board of Education</strong> <em>(REQUIRED CASE)(1954)</em></td>
</tr>
<tr>
<td>- Slaves are property (can’t sue in court) and property cannot be restricted in U.S. (nullify Missouri Compromise). One factor that leads to the Civil War</td>
<td>- Segregation by state or local law.</td>
<td>- The Supreme Court ruled that the “separate but equal” doctrine is unconstitutional. ENDING SEGREGATION</td>
</tr>
<tr>
<td><strong>RECONSTRUCTION AMENDMENTS</strong></td>
<td><strong>DISENFRANCHISING AFRICAN AMERICANS</strong></td>
<td>- Eisenhower sends troops to Little Rock to desegregate schools (local government refused to do it)*</td>
</tr>
<tr>
<td>- 13th Amendment: It abolished slavery.</td>
<td>- Poll taxes (pay to vote)</td>
<td>- 24th Amendment banned poll taxes ENDING DISENFRANCHISEMENT</td>
</tr>
<tr>
<td>- 14th Amendment: Guaranteed citizenship to all people born in the United States. The <strong>Equal Protection Clause</strong>: been used to extend civil rights.</td>
<td>- Property qualifications (must own land to vote)</td>
<td><strong>Civil Rights Act of 1964</strong> (banned segregation in public accommodations)</td>
</tr>
<tr>
<td>- 15th Amendment: The right to vote cannot be denied to race, color, or condition of previous servitude.</td>
<td>- Literacy tests (must be able to read to vote)</td>
<td><strong>Voting Rights Act of 1965</strong> (literacy tests)</td>
</tr>
</tbody>
</table>

---

*Note: The table and text are derived from the provided document, with some adjustments for clarity and organization.*
### Women's Suffrage

- **Title IX**
  - Bars education institutions from receiving federal funds if they discriminate against female students. Leads to an explosion of female athletics in American schools.

### Americans with Disabilities

- **ADA (Americans with Disabilities Act)**
  - Extends protections from Civil Rights Act of 1964 to people with disabilities.
  - It guarantees access to public facilities, employment, communication services.
  - It requires employers to acquire or modify equipment, adjust work schedules, and make facilities accessible.

### Affirmative Action

- **Affirmative Action**
  - The label placed on institutional efforts to diversify by race or gender.
  - Regents of the University of Cali v. Bakke (1978)
  - The Supreme Court ruled that mandatory quotas were unconstitutional, but race can be used as one factor in college admissions.

### Civil Liberties

#### Due Process & Selective Incorporation

- **5th Amendment**
  - Protects individual liberty from the National government.

- **14th Amendment**
  - Protects individual liberty from the State governments.

#### Procedural Due Process

- The methods of government must be fair and just.

#### Substantive Due Process

- The policies of the government must be fair and just.

#### Selective Incorporation

- The Supreme Court applies a portion of the bill of rights to State governments. It is justified by the 14th Amendment’s Due Process Clause. (End abuse of State)

### First & Second Amendment

- **FIVE FREEDOMS OF 1ST AMENDMENT**
  - Religion, Speech, Press, Assembly & Petition

- **FREEDOM OF RELIGION**
  - Establishment clause: Prohibits the creation of a government established religion.
  - Free exercise clause: Citizens have the right to practice their religion. (within the law)

- **SECOND AMENDMENT**
  - A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed
  - Supreme Court has allowed some gun control but not all.

### Rights of Criminal Defendants

- **4th Amendment**: Government cannot search your house without a warrant.

- **5th Amendment**: Self Incrimination & Double jeopardy (being tried twice for same crime)

- **6th Amendment**: Right to counsel & jury trial

- **8th Amendment**: Protection from cruel and unusual punishment

#### Important Supreme Court Cases

- **1st Amendment**
  - Engle v. Vitale (1962) – No school sponsored prayer in a public school (Establishment Clause)
  - Wisconsin v. Yoder (1972) – Amish parents do not have to send their student to school passed the 8th grade if they do not wish to (Free Exercise Clause)
  - Tinker v. Des Moines (1969) – Students wearing black armbands to school is protected free speech
  - Schenck v. United States (1919) – Helped define the limits of free speech. It created the “clear and present danger” standard (shouting fire in a crowded movie theater is not protected).

- **14th Amendment**
  - Gideon v. Wainwright (1963) – An attorney must be provided to you in non-capital cases if you can not afford one
  - Roe v. Wade (1973) – Abortion is made legal in all 50 states during the first trimester of a pregnancy
  - McDonald v. Chicago (2010) – 2nd Amendment is incorporated at the state level

- **Fighting Words**: cannot incite a breach of peace
- **Commercial Speech**: false advertising is not protected
- **Obscenity**: applied by local standards
- **Clear and present danger**: Can’t yell fire people get trampled to death

- **Prior Restraint**: Government prohibits speech before it is expressed (only in cases of national security)
- **Symbolic Speech**: wearing armband or burning a flag
- **Hate Speech**: KKK can legally meet to discuss but cannot talk about committing crimes.

- **LIBEL**: written lies
- **SLANDER**: spoken lies
- **Fighting words**: cannot incite a breach of peace
- **Commercial speech**: false advertising is not protected
- **Obscenity**: applied by local standards
- **Clear and present danger**: Can’t yell fire people get trampled to death

- **Prior Restraint**: Government prohibits speech before it is expressed (only in cases of national security)
- **Symbolic Speech**: wearing armband or burning a flag
- **Hate Speech**: KKK can legally meet to discuss but cannot talk about committing crimes.

- **Libel**: written lies
- **Slander**: spoken lies
- **Fighting words**: cannot incite a breach of peace
- **Commercial speech**: false advertising is not protected
- **Obscenity**: applied by local standards
- **Clear and present danger**: Can’t yell fire people get trampled to death

### Rights to Privacy

- Not directly stated in the Constitution.
- It is believed that there are some things the government should not be involved in.
- Although these topics are or have been controversial privacy has been used to justify: birth control, abortion, homosexuality, and the right to die.