**Unit 4 Test Study Guide – Judicial Branch/Civil Liberties/Civil Rights**

1. What is judicial review and how does it contribute to the power of the federal courts?
2. What is the strict-constructionist approach to interpreting the Constitution? What is original intent?
3. What is the activist approach to interpreting the Constitution? (Sometimes referred to a loose interpretation)
4. What did the Marbury v. Madison decision do?
5. Why did Hamilton in *Federalist 78* argue that the judicial branch would be the least dangerous of the three branches?
6. Why do justices have life sentences?
7. Describe the activism of the court under Chief Justice Warren.
8. Who creates all federal courts (with the exception of the Supreme Court)?
9. What are the two types of courts that have been established?
10. What are the three levels in the Federal Constitutional Court System and what does each one do?
11. What is the jurisdiction of a court? What are the types?
12. How do federal judges get their jobs? What is the most important influence on this process?
13. What is senatorial courtesy? What level of constitutional court does it apply to?
14. What is the significance of the litmus test in selecting judges for the courts?
15. What is the dual court system?
16. What is civil law? What is criminal law?
17. What types of cases can the federal courts hear?
18. How does a writ of certiorari work? When is the court likely to issue a writ? What is the “rule of four”?
19. How often are writs of certiorari issued?
20. What are class action lawsuits?
21. What are briefs?
22. What is the role of the solicitor general?
23. What is the significance of an amicus curiae brief?
24. What influences justices when making their ruling?
25. How can the Chief Justice exercise influence over the decision making of the court?
26. What are the three types of opinions?
27. Why are the written decisions so important?
28. How do the courts make public policy?
29. What is stare decisis and why is it important to the court?
30. What are the arguments for and against judicial activism?
31. How does the nature of the courts serve as a restraint on the courts?
32. What checks over the courts does Congress have?
33. What checks over the courts does the Executive Branch have?
34. How can presidents have an influence over public policy for years after their term in office?
35. How does public opinion impact judges?
36. What is the difference between Civil Rights and Civil Liberties?
37. Does the Bill of Rights deal with what States can and cannot do?
38. Explain how the Constitution sets up competing rights and duties.
39. How has war been used to restrict the liberties of citizens?
40. Explain the significance of the “Due Process of Law” and the “Equal protection of the Law” provisions of the 14th Amendment.
41. What rights are guaranteed by the first amendment?
42. What is selective incorporation and what rights have been incorporated?
43. Explain the clear-and-present-danger test. What court case does it come from? What court case limited it?
44. What is libel? What does a public figure need to prove in order to get a libel judgment?
45. Why can obscene materials be regulated by the state?
46. How does the Court define obscene materials? What court case is associated with this?
47. What is prior restraint? Name a court case identified with this idea.
48. What is symbolic speech?
49. What did *Tinker v. Des Moines* find?
50. Why can you burn a flag, but not a draft card? What court case deals with burning flags?
51. What does the 1st amendment specifically state about religion?
52. What is the “free-exercise clause?” How did *Engel v. Vitale* incorporate this clause?
53. What is the “establishment clause?” What court case helped incorporate this clause?
54. Does your religion exempt you from following certain laws if they are against your religious beliefs? Explain with examples/court cases.
55. Explain the “wall-of-separation” issue with the establishment clause.
56. What is the Court’s three-part test for deciding if government involvement in activities is improper? (This is called the Lemon test from the *Lemon v. Kurtzman* court case)
57. What did *Gitlow v. New York* and *New York Times v. Sullivan* deal with?
58. Name a court case that has to do with the right to assemble and explain it.
59. What two court cases have to do with the right to bear arms?
60. What is the exclusionary rule and what two provisions of the Bill of Rights are associated with it?
61. What is the significance of *US v. Leon*?
62. What is the significance of *Mapp v. Ohio*?
63. What is a search warrant?
64. What can the police search when you are arrested?
65. What is the significance of the *Miranda* case?
66. What is the good-faith exception and how does it ease the exclusionary rule?
67. What right does *Gideon v. Wainwright* establish for people charged with a crime?
68. What has the Supreme Court said about the death penalty?
69. What is a suspect classification? How does strict scrutiny apply to this classification?
70. Why were the Courts an appealing avenue for African American leaders in their pursuit of equality?
71. What was the significance of *Plessy v. Ferguson* and the interpretation of the 14th amendment?
72. What is the significance of *Brown v. Board of Education*? What was the rationale of the court in determining the outcome of the decision?
73. What is the difference between de jure segregation and de facto segregation?
74. What were the four developments that helped to allow for civil rights legislation to pass in the 1960s?
75. What is the Voting Rights Act of 1965? What is the significance?
76. What is the Civil Rights Act of 1964? Significance?
77. Explain the significance of *Korematsu v. US*.
78. What was the main difference between women and African Americans and their pursuit of equality?
79. When did women get the right to vote?
80. What impact did *Reed v. Reed* and *Rostker v. Goldberg* have on women’s rights?
81. What is Title IX of the education Amendments of 1972? What is the ERA?
82. What was the decision of *Griswold v. Connecticut*? How did that impact *Roe v. Wade*?
83. How has the court’s views on abortion shifted since the *Roe* decision? Explain using specific decisions.
84. What is affirmative action?
85. What is reverse discrimination?
86. Explain the significance of *Bakke* case, *Gratz/Grutter* and *Adarand* cases.
87. Explain the significance of the *Lawrence v. Texas, Boy Scouts of American v. Dale, Windsor v. US* and *Obergefell v. Hodges* decisions.