

Judiciary Quiz #2 Study Guide

Topic: SCOTUS – Quiz dates → Friday, May 5th (A Day) and Monday, May 8th (B Day)

Court Cases You Need to Know (matching)

- *Texas v. Johnson*
 - Johnson burned American flag in front of Dallas City Hall
 - Question: is desecration of an American flag a form of speech that is protected under the 1st Amd?
 - Answer: burning the flag is a protected expression; even though an audience may take offense to certain acts of expression, that does not justify prohibitions of speech
- *Gratz v. Bollinger*
 - The U of Michigan gave "points" for minority status in their undergrad admissions. Gratz, who is white, got rejected and sued.
 - Question: Did the U of Michigan's use of racial preferences in undergraduate admissions violate the Equal Protection Clause of the 14th Amendment and the Civil Rights Act?
 - Answer: Yes. Because the system gave preference for racial status without considering applicants as individuals, it violated the Constitution. Other approaches might be ok, however.
- *Plessy v. Ferguson*
 - Louisiana enacted a law that required separate railway cars for blacks and whites; Plessy refused to move to the car reserved for blacks and was arrested
 - Question: Is a law mandating racial segregation unconstitutional under the 14th Amd?
 - Answer: No, separate by equal facilities fell under 14th Amd... so segregation isn't unlawful discrimination
- *Brown v. Board of Education*
 - 4 cases – relate to segregation of public schools based on race
 - Question: does segregation of public education based solely on race violate the Equal Protection Clause of 14th Amd?
 - Answer: yes → separate but equal facilities are inherently unequal and violate the protections; overruled Plessy v. Ferguson
- *Korematsu v. United States*
 - Executive Order 9066 gave authority to put Japanese Americans in internment camps during WWII
 - Question: did FDR & Congress exceed their power by excluding and restricting rights of Japanese Americans?
 - Answer: Court sided with the govt and said that protecting America against espionage outweighed Korematsu's rights; it was justified during circumstances of "emergency & peril"
- *Marbury v. Madison*
 - Question: Does the Supreme Court have the authority to order the delivery of their commissions?
 - Answer: first time that SCOTUS reviewed a law (Judiciary Act of 1789) and they determined it was unconstitutional because it conflicted with Article III of the Constitutional; justice nominees have the right to petition the court, but SCOTUS cannot grant their nomination approval; begins practice of Judicial Review
- *Loving v. Virginia*
 - Interracial marriage in VA found violating the state's law that banned interracial marriages
 - Question: did VA law violate the Equal Protection Clause of the 14th Amd?
 - Answer: yes → court found that the VA law had no legitimate purpose independent of racial discrimination
- *Miranda v. Arizona*
 - 4 cases where the defendant confessed guilt after being subjected to interrogations without being informed of 5th Amd rights during an interrogation; Miranda never requested counsel so it was ok that he admitted guilt on paper
 - Question: do the 5th Amd's protection against self-incrimination extend to the police interrogation of a suspect?
 - Answer: 5th Amd protection is available in all settings; Miranda needs to be told his Miranda rights

- *Roe v. Wade*
 - Roe sought to terminate her pregnancy, Texas law prohibited this
 - Question: does the Constitution embrace a woman's right to terminate her pregnancy by abortion?
 - Answer: Yes → a woman's right to abortion falls within the right to privacy (protected by 14th Amd); woman has autonomy over 1st trimester and states will have diff rules/laws for 2nd/3rd trimesters
- *Mapp v. Ohio*
 - Mapp convicted of having obscene materials after an illegal police search of her home for a fugitive
 - Question: May evidence obtained through a search in violation of the 4th Amd be admitted in a state criminal proceeding?
 - Answer: If evidence is obtained by a search & seizure that is in violation of the 4th Amendment, that evidence must be "excluded" in state court (that is, it cannot be used)
- *U.S. v. Nixon*
 - During the Watergate investigation, the courts ordered the White House to turn over secret audio tapes of conversations between Nixon and his aides in the Oval Office. Nixon refused, citing "executive privilege"
 - Is the President's right to safeguard certain information, using his "executive privilege" confidentiality power, entirely immune from judicial review?
 - Answer: No. Although executive privilege can be used in some diplomatic or military circumstances, a president cannot use it to hide from regular due process of law. Nixon was ordered to turn over the tapes.
- *Riley v. California*
 - Riley was arrested for a traffic violation, and a search of his car turned up guns that linked him to a gang shooting. The police also searched his phone (which was taken at his arrest) and found photos and evidence on it that showed his gang membership and also tied him to the gang shooting.
 - Question: Was the evidence from Riley's cell phone discovered through a search that violated his Fourth Amendment right to be free from unreasonable searches?
 - Answer: Yes – the police must have a separate warrant to search someone's cell phone, because the phone presents no immediate threat to their safety. They can only make searches during arrests that protect their immediate safety (like looking for guns in your car).

SCOTUS Vocabulary and Basic Concepts

- Supreme Court: 9 Justices (8 Associate Justices and 1 Chief Justice)
- Chief Justice – the presiding judge in a Supreme Court session
- Opinions (written explanation of a court decision)
 - Majority – "opinion of the Court"; judicial opinion agreed to by more than half of the members on the court; sets forth the decision of the court and explanation of the rationale behind the court's decision
 - Dissenting – minority opinion; written by one or more justices expressing disagreement with the majority opinion
 - Concurring – written by one or more justices which agrees with the decision made by the majority, but it states different (or additional) reasons as the basis of the decision
- Article III in the Constitution only names the Supreme Court. It doesn't set the size, or its rules.
- Writ of Certiorari
 - Orders a lower court to deliver its record in a case so that the higher court may review it; when the Court decides to review a case
- Amicus Curiae Brief
 - Interest groups (or someone who is not a party to a lawsuit/not associated with the case in any way) and someone who has a strong interest in the case's matter will petition the Court for permission to submit a brief in the effort to sway the justices to one side or the other; can be in the outcome of a case
- Interpretations of the Constitution
 - Strict Construction/Originalist – interprets the Constitution word for word; what the Founding Fathers would have intended; text, history, tradition, precedent; Justice Scalia was an originalist
 - Loose Construction/Living Constitutionalist – the Constitution should change over time in its meaning as society changes; focus on values and purposes of the Constitution's meaning on a case by case basis; Justice Breyer is a Living Constitutionalist; Same things as originalists, PLUS values, ideas, practical consequences