

CRASH COURSE: GOVERNMENT AND POLITICS

EPISODE 20: SUPREME COURT PROCEDURES

STUDENT QUESTIONS

1. The Supreme Court does not have original jurisdiction for most cases. In this situation, what must happen before you can bring your case to the Supreme Court?
2. A formal request for the Supreme Court to hear your case is called a writ of ----.
3. Who is the Solicitor General?
4. What is one reason that the Solicitor General might screen out a case and NOT refer it to the Supreme Court?
5. If your case is referred to the Supreme Court, the nine justices will discuss whether or not to hear it. If you are granted certiorari, it means they will take your case. How many judges must agree to grant a case certiorari?
6. About how many cases will the Supreme Court grant certiorari to each year?
7. Before the case is argued, each side must submit ----, which are written legal arguments explaining why and how the law favors one side in the case and not the other.
8. If you want the Supreme Court to overturn a lower court decision, you are called the ----.
9. If you want the Supreme Court to uphold a lower court decision, you are called the ----.
10. What kind of individuals or groups will file amicus curiae, also known as amicus briefs?
11. When the two sides appear in the Supreme Court, how long does each side get to "make its case," which mostly consists of answering questions the justices ask?
12. How many of the nine justices must agree in order for a Court decision to be published?
13. What happens if the Court remands the case?
14. How does the Court issue its decisions?
15. What can make a Court decision appear stronger?
16. What is a "holding?"
17. If a judge writes a concurring opinion, it means he or she agrees with the majority opinion but has different ---- to reach the same conclusion.
18. A ---- opinion is one that disagrees with the majority opinion.

Extra Credit Questions / Discussion Prompts

- How does the role of the Solicitor General reflect the principle of checks and balances?
- Imagine a case where a man is convicted of animal abuse in Florida. He claims a Constitutional right based on freedom of expression, and the case makes it to the Supreme Court. The two sides are the man asserting his rights, and the state of Florida, which convicted him. What kinds of people or organizations might submit amicus briefs?
- Is 5 out of 9 a sufficiently large majority, in your opinion, to render Supreme Court decisions? It means, in practice, that the opinion of one judge can sway a case from one side to the other. Would you change the Court's procedures to fix this issue?

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EPISODE 21: JUDICIAL REVIEW

STUDENT QUESTIONS

1. What term refers to the Supreme Court's awesome power to declare laws unconstitutional?
2. **TRUE OR FALSE:** Judicial review can only be used to examine actions undertaken by the legislative branch of the federal government; the executive branch cannot be overruled.
3. **TRUE OR FALSE:** Judicial review can only be used to examine actions undertaken by the federal government; state government actions cannot be overruled.
4. "Judicial review" is not the Supreme Court's power to review lower court decisions. What is that power called?
5. There are two reasons why the Supreme Court has only rarely declared Congressional statutes unconstitutional, particularly prior to the 20th century. Write down at least one of these reasons.
6. Where does the court's power to review and overturn state action come from?
7. What kind of delegation of power does the court almost never strike down?
8. The Supreme Court can place limits on the President. What limit was placed on the executive branch in the case *Rasul v. Bush*?
9. What part of the Constitution grants the Supreme Court the power of judicial review?
10. Why is *Marbury v. Madison* considered such an important Supreme Court case?
11. What did Marbury want when he went to the Supreme Court?
12. According to the Court, Marbury had a right to what he wanted, but the Court had no power to help him. Why was that, according to the Court's own reasoning?
13. Why do some people claim that judicial review violates the principle of separation of powers?
14. In what two realms are Supreme Court rulings binding?
15. What case gave us the Miranda warning: "You have the right to remain silent..."
16. Where did police procedures change as a result of the *Miranda* decision?
17. Which branches of the government operate with a lot of implied powers that aren't clearly granted to them?

Extra Credit or Discussion Question

- Suppose that judicial review did not, in fact, exist in the United States. What potential problems could result?

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EPISODE 22: JUDICIAL DECISIONS

STUDENT QUESTIONS

1. Judges, especially Supreme Court judges, are supposed to be -----.
2. Congress can often undo a decision overturning a law simply by passing a new law. In what kind of case can Congress not undo a Supreme Court decision just by passing a law?
3. Why does the President have more influence over lower court judges than over Supreme Court judges?
4. What exercises much more influence on judges than does the President?
5. Although it's not supposed to happen, judges are also influenced by their - (whether their beliefs are liberal or conservative, for example.)
6. How does David Souter stand out among Supreme Court justices?
7. What judicial philosophy says that courts should act to make policy?
8. What judicial philosophy says that judges should pay attention to precedent, or past decisions, and should only make any incremental, or very small, changes?
9. What is originalism?
10. What era of U.S. history can be seen as a high tide of judicial activism?
11. During this high tide, what four kinds of issues did the activist Supreme Court focus on?
12. More recently, the Rehnquist Court tried to return power back to -----.
13. What is noteworthy about the five conservative judges serving on the Roberts Court?
14. What did the Roberts Court do with the Voting Rights Act?
15. What is one of the core beliefs of judicial restraint?
16. How is "judicial philosophy" a different concept from "political ideology?"
17. What should people remember about all Supreme Court decisions, even though they may hear that it's not true?

Extra Credit Questions / Discussion Prompts

- Examine the cases on any list of "landmark" Supreme Court cases and evaluate whether the cases lean more toward instances of judicial activism or judicial restraint.
- Some people claim that liberal judges are the only ones practicing judicial activism. Explain why that claim is a misconception.

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EPISODE 23: CIVIL RIGHTS AND LIBERTIES

STUDENT QUESTIONS

1. What are civil liberties?
2. What are civil rights?
3. What issue was used as an example of a civil rights issue?
4. Substantive liberties are limits on what the government -----.
5. Procedural liberties are limits on how the government -----.
6. Where can you find a detailed list of civil liberties?
7. Which amendment states that the list of civil liberties / civil rights in the other amendments is not a complete list?
8. Which amendment protects the right to bear arms?
9. Which amendment prohibits cruel and unusual punishment?
10. What did the Supreme Court say in the case *Barron v. Baltimore*?
11. Which amendment did the video host say was “probably the most important of all amendments?”
12. What is so important about this Amendment?
13. Which civil liberty was applied to the states in the case *Gitlow v. New York*?
14. Which civil liberty was applied to the states in the case *Mapp v. Ohio*?
15. What is double jeopardy?
16. How much of the Bill of Rights has by now been “incorporated,” meaning that the civil liberties listed now protect citizens from their state government as well as from Congress?
17. When was the Bill of Rights added to the Constitution?
18. In what era was the 14th Amendment added to the Constitution?

Extra Credit Questions / Discussion Prompts, Answers Continued

- A number of civil liberties were listed in this episode. Looking at your definition of civil *rights*, generate a list of items that you feel would qualify. Analyze your list – are all of the items you listed already resolved issues, or do some of them still need better protection?
- Read the 14th Amendment from start to finish. What parts of it appear to be timeless, meaning that they really apply to all generations of Americans? Which parts of it appear to be specific solutions to problems that plagued the Reconstruction generation that ratified it?