Unit 6 - Study Guide - The Judicial Branch

Directions:

- Read the text to review the topics.
- Answer all of the questions highlighted in yellow.
- Review the slides and other resources as needed.
- If you need help, please send me an email.
- The test may include items NOT on this study guide.

Vocabulary: Review the Unit 6 Vocabulary (link).

Landmark Supreme Court Cases (link):

Study the cases below. Know the holding/outcome for each case.

- Marbury v. Madison (1803): Judicial Review.
 - The judicial branch can overturn the actions of the other branches.
- Miranda v. Arizona (1966): Due Process.
 - Someone under arrest must be made aware of his or her rights before police questioning.
- Tinker v. Des Moines (1969): 1st Amendment, Freedom of Speech.
 - Students retain free speech rights while at school, so long as their speech is not substantially disrupting the school's function.
- New Jersey v. T.L.O. (1985): Probable Cause; 4th Amendment; privacy.
 - School officials do NOT need to obtain a warrant before searching a student who is under their authority. School officials only need to have probable cause to search a student.
- McDonald v. Chicago (2010): 2nd Amendment.
 - The 2nd Amendment also applies to the states, not just the federal government. States cannot ban the ownership of handguns for self defense.
- United States v. Nixon (1974): Separation of Powers; Rule of Law.
 - Executive privilege is a limited power and can't be used to avoid subpoenas.
- Brown v. Board of Education (1954): Equal Protection.
 - Schools cannot discriminate on the basis of race. Separate schools are inherently unequal.
- Baker v. Carr (1962): 14th Amendment; Equal Protection.
 - When redistricting, each district within a state must be of virtually equal population.

Organization of the Judicial Branch (slides)

The role of courts in society is to settle disputes. Instead of settling disputes based on who is more powerful or who has more money, we use the legal system. By using courts to settle disputes we uphold the **rule of law**. **Rule of law** is the principle that no individual, group, organization, or governmental entity is above the law and that laws are applied fairly.

The United States has what is called a <u>dual court system</u> (click link). This means there are both national and state courts. Cases begin at trial courts, where decisions on the facts of the case are made. When a party to a case is not happy with the outcome, they may be entitled to an appeal. Each state has an appeals court and a supreme court. The final court of appeal in all cases is the U.S. Supreme Court.

Unit 5 Judicial Branch Study Guide

Pia del Campo Bennagen

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Informational Bulletin Wisconsin. Legislature. Legislative Reference Bureau, 1990 A Study Guide to Social, Study Guide to Accompany West's Business Law Economic, and Political Thought Pia del Campo Bennagen, 2002 Barbara E. Behr. 1992 **United States Government: Democracy in Action (Student Edition)** Data Book of Social Studies Materials and Resources ,1985 **Resources in Education** Glencoe/McGraw-Hill,2000-10 .1990 Study Guide to Accompany West' S Busines Jentzmiller, Bher, 1991-09 **Guide to Wage and Hour Regulation** Betty Southard Murphy, Elliot S. Azoff, 1998 **Inquiring about American History** Allan O. Kownslar, William Rodney Fielder, 1972 Text and illustrations trace the social and political history of the United States from the early Indian settlements to the present day **Review of Resources** Mary E. Glade, 1987 This guide provides analyses of curriculum materials that have been designed for teaching about the U S Constitution and law related education The guide begins with an editor s introduction and two essays Constitution Study and Civic Education James B Giese and Thinking about Law Related Education during the Bicentennial Barbara Miller The resource reviews are presented in three sections Forty three reviews of print based materials for elementary K 6 Constitution and law related education are provided in section 1 The second section contains 86 print based materials for secondary 7 12 classrooms Simulations games filmstrips cassettes videotapes software and audiocassettes are reviewed in the third section Each review includes 1 author publisher cost subject area and intended users 2 content description 3 primary teaching procedures and 4 critical evaluation of the materials Following the reviews are annotated lists of 64 additional materials they include 1 an annotated bibliography of children's literature that can be used to teach law 2 a list of constitution related literature 3 a list of constitution related bibliographies and catalogs and 4 a list of films with constitutional content Four indexes and a complete list of publishers addresses is provided at the end of the book SM El-Hi Textbooks in Print ,1977 Governing Wisconsin Teacher's Guide, 2008 The guide includes 27 essays on state government with study questions and model answers selected lesson plans and an overall glossary Letter of transmittal

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