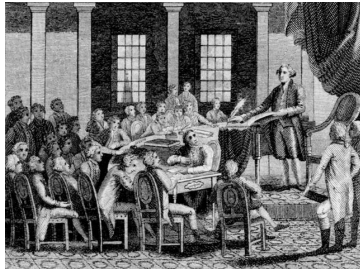




The Judicial Branch

The Judicial System: Inception

- The judiciary under the Articles of Confederation
- Constitutional Convention
- Article III of the Constitution
- Judiciary Act of 1789



Federal Courts

Constitutional Courts

- U.S. Supreme Court
- Courts of appeals
- District courts
- U.S. Court of International Trade



Special Courts

- Court of Federal Claims
- Military tribunals
- Court of Appeals for the Armed Forces
- Territorial courts
- U.S. Tax Court
- Court of Veterans Affairs

Levels of Federal Courts



Lowest—district courts



Middle—court of appeals



Highest—
Supreme Court

The Inferior Courts

- All courts below the U.S. Supreme Court
- Federal district courts
- Court of appeals
- Court of International Trade
- Court of Appeals for the Federal Circuit

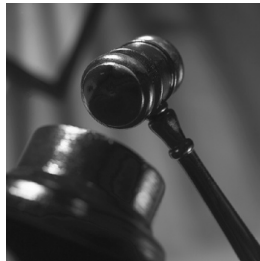


Jurisdiction

Jurisdiction: the right of a court to hear a case and apply the law.

Types of Jurisdiction

- Original
- Appellate
- Exclusive
- Concurrent



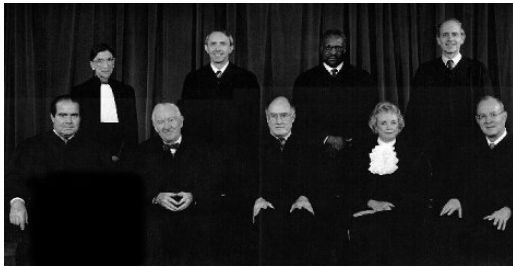
The Supreme Court and “Judicial Review”



Chief Justice John Marshall

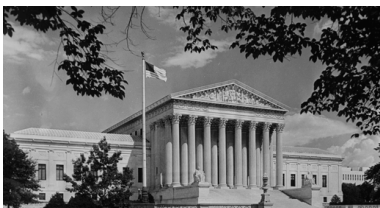
- *Marbury v. Madison* (1803)
- Judicial review: the Supreme Court has the ultimate say as to whether laws and acts of government are constitutional

The U.S. Supreme Court



Supreme Court Justices as of 2005 (left to right): Antonin Scalia, Ruth Bader Ginsburg, John Paul Stevens, David Souter, William Rehnquist, Clarence Thomas, Sandra Day O'Connor, Stephen Breyer, Anthony Kennedy

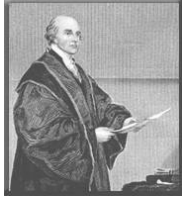
The U.S. Supreme Court



Opinions of the Court

- Majority Opinion
- Concurring Opinion
- Dissenting Opinion

Notable Supreme Court Justices



John Jay:
First U.S. Supreme
Court Justice

Thurgood Marshall: first
African American Supreme
Court Justice



Sandra Day
O'Connor: first
female Supreme
Court Justice

U.S. Supreme Court Cases: Freedom of Religion

- 1st Amendment
 - The "Establishment Clause"
 - The "Free Exercise Clause"
 - 14th Amendment
- Cases
- *Zorach v. Clauson*, 1952 (religious studies)
 - *Engel v. Vitale*, 1962 (no mandatory prayer or Bible-reading in schools)
 - *Edwards v. Aguillard*, 1987 (evolution and creationism)
 - *Westside Community Schools v. Mergens*, 1990 (student religious groups)



U.S. Supreme Court Cases: Freedom of Religion (continued)

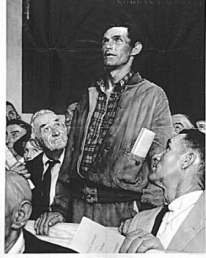
- *Lynch v. Donnelly*, 1984 (seasonal displays)
- *Marsh v. Chambers*, 1983 (legislative prayers)
- *Bob Jones University v. U.S.* 1983 (religion and racial discrimination)
- *Lemon v. Kurtzman*, 1971 (state aid to religious schools)



Lynch v. Donnelly (1984) allowed Nativity scenes on public property if the scenes were part of a larger display that also featured non-religious objects

U.S. Supreme Court Cases: Freedom of Expression

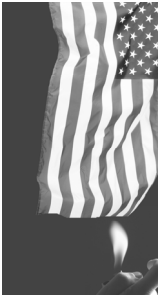
SAVE FREEDOM OF SPEECH



BUY WAR BONDS

- *Near v. Minnesota*, 1931 ("prior restraint")
- *Miller v. California*, 1973 (obscenity)
- *Brazenburg v. Hayes*, 1972 (confidentiality)

U.S. Supreme Court Cases: Freedom of Expression (cont.)



- *Tinker v. Des Moines Independent School District*, 1969 (symbolic speech)
- *Texas v. Johnson*, 1989 (flag burning)
- *44 Liquormart Inc., v. Rhode Island*, 1996 (commercial speech)

Freedom of Expression vs. National Security

- Sedition
- Alien and Sedition Acts, 1798
- Espionage Act of 1917/
Sedition Act of 1918
- *Schenck v. U.S.*, 1919



Freedom of Expression vs. National Security (continued)



Seditious Acts during
a time of peace:

Smith Act, 1940

- *Dennis v. U.S.*, 1951
- *Yates v. U.S.*, 1957

McCarran Act, 1950

- *Communist Party v. SACB*, 1961
- *Albertson v. SACB*, 1965

Freedom of Assembly and Petition

- “Time-place-manner”
- “Content neutral”

Cases

- *Grayned v. City of Rockford*, 1972
- *Cox v. Louisiana*, 1965
- *Forsyth County v. Nationalist Movement*, 1992



Due Process



Pierce v. Society of Sisters involved a Roman Catholic order's challenge of an Oregon law requiring public education

- Substantive due process
- Procedural due process

Cases

- *Rochin v. CA*, 1952 (procedural due process)
- *Pierce v. Society of Sisters*, 1925 (substantive due process)

Due Process (continued)

- *Schmerber v. CA*, 1966 (police power)

Right to Privacy

- *Griswold v. CT*, 1965
- *Roe v. Wade*, 1973



PRIVATE

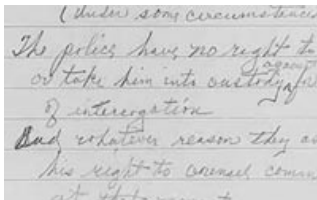
Rights of the Accused

Important terms

- Writ of *habeas corpus*
- Bill of attainder
- *Ex post facto* Laws
- Double jeopardy
- Jury trial
- Bench trial



Rights of the Accused (continued)



Excerpt from Chief Justice Earl Warren's handwritten notes to Justice William Brennan on the *Miranda* case

- *Mapp v. OH*, 1961 (exclusionary rule)
- *Gideon v. Wainwright*, 1963 (right to counsel)
- *Miranda v. AZ*, 1966 (self-incrimination)

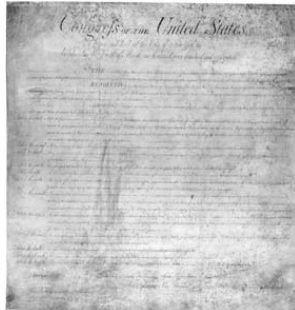
Rights of the Accused: The 8th Amendment

- *U.S. v. Salerno*, 1987 (preventive detention)
- *Furman v. Georgia*, 1972 (outlawed death penalty laws)
- *Gregg v. Georgia*, 1976 (allowed “two-stage” death penalty laws)
- *Coker v. Georgia*, 1977 (limited when death penalty can be imposed)



Civil Rights and Liberties

- Civil rights
- Civil liberties
- Equal Protection Clause



The Bill of Rights outlines many basic civil rights and liberties

Civil Rights: Segregation

- “Jim Crow” laws
- *Plessy v. Ferguson*, 1896



Cartoon depicting *Plessy v. Ferguson*

Civil Rights: Ending Segregation

- *Brown v. Board of Education of Topeka, Kansas*, 1954
- *De jure* segregation vs. *de facto* segregation
- *Alexander v. Holmes County Board of Education*, 1969



A mother holds a paper announcing the *Brown* decision



Thurgood Marshall (center)

Civil Rights



President Lyndon Johnson signs the Civil Rights Act of 1964 while Dr. Martin Luther King, Jr. looks on

- The Civil Rights Act of 1964
- *Regents of the University of California v. Bakke*, 1978
- *United Steelworkers v. Weber*, 1979
