**US Supreme Court**

**Define**

* *Living Constitution…………………………………………………………………………………………………………………………………………………………….*
* *Originalism………………………………………………………………………………………………………………………………………………………………………*
* *ABA…………………………………………………………………………………………………………………………………………………………………………………..*
* *Appellate Court…………………………………………………………………………………………………………………………………………………………………*
* *Stare Decisis…………………………………………………………………………………………………………………………………………………………………….*
* *Amicus Curiae Briefs………………………………………………………………………………………………………………………………………………………..*
* *Rule of 4………………..………………………………………………………………………………………………………………………………………………………..*
* *Marbury v Madison…………………………………………………………………………………………………………………………………………………………*
* *Fletcher v Peck………………………………………………………………………………………………………………………………………………………………..*



**Activism v Restraint**

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| --- | --- |
| ***Criticisms of Activism*** | ***Criticisms of Restraint*** |
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**Criticisms of Judicial REVIEW**

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**How is independence guaranteed?**

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**Current Court Membership**

|  |  |  |  |
| --- | --- | --- | --- |
|  | ***Ideological leaning*** | ***Appointed by (R/D)*** | ***Importance in:*** |
| ***John Roberts*** |  |  | *NFIB v Sebelius* |
| ***Ruth Bader Ginsburg*** |  |  | *Burwell v Hobby Lobby*  |
| ***Steven Breyer*** |  |  |  |
| ***Elena Kagan*** |  |  | *Arizona v US* |
| ***Sonia Sotomayor*** |  |  |  |
| ***Samuel Alito*** |  |  | *Snyder v Phelps* |
| ***Anthony Kennedy*** |  |  | *Obergefell v Hodges* |
| ***Clarence Thomas*** |  |  | *Fisher v Texas* |
| ***Scalia (deceased)*** |  |  |  |

**Judicial Appointments**

|  |  |  |
| --- | --- | --- |
| ***Amendment*** | ***Explain*** | ***Example*** |
| ***Vacancy*** |  |  |
| ***Search*** |  |  |
| ***Announcement*** |  |  |
| ***Ratification*** |  |  |

**Outline the criticisms of the appointment process**

* *Role of Senate*
* *Role of President*
* *Role of ABA*
* *Role of Media*
* *Length*

**Identify a useful example during the following appointment processes**

* *Sotomayor (Quote/Words Spoken)*
* *Kagan (SJC Hearings)*
* *Thomas (SJC Hearings)*
* *Garland (TBC)*

**Agreement rates:**

* Which Justices are most commonly in agreement and why?
* Which Justices are most commonly in opposition and why?

**Constitutional rights and how SC have upheld them**

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|  | ***Upheld*** | ***Failed to uphold*** |
| ***Free Speech*** |  |  |
| ***Freedom of Religion*** |  |  |
| ***Gun Control*** |  |  |
| ***Free/Fair Trial*** |  |  |
| ***Federalism*** |  |  |
| ***Right to Silence*** |  |  |
| ***Cruel/Unusual Punishment*** |  |  |

*n.b. some of this is your opinion – EXPLAIN it.*

**Key Cases**

|  |  |  |
| --- | --- | --- |
| ***Case*** | ***Ruling*** | ***Importance*** |
| ***Brown v Topeka*** |  | *Stare decisis* |
| ***Roe v Wade*** |  | *Stare decisis* |
| ***DC v Heller*** |  | *2nd Amendment/Federalism* |
| ***Obergefell v Hodges*** |  | *Interpretive Amendments/Rights/Activism/Federalism* |
| ***Snyder v Phelps*** |  | *Constitutional Rights* |
| ***Texas v Fisher*** |  | *Rights/Affirmative Action* |
| ***NFIB v Sebelius*** |  | *Ideology/Federalism/Ideology* |
| ***Citizens United v FEC*** |  | *Stare decisis/Elections/Constitutional rights* |
| ***Bush v Gore*** |  | *Imperialism/Democracy* |
| ***Hamdi/Hamden/******Boumediene*** |  | *Stare decisis/Lack of enforcement* |
| ***McCutcheon v FEC*** |  | *Stare decisis/Ideology* |
| ***Gonzalez v Oregon*** |  | *Federalism* |
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**Debates around the Supreme Court**

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| --- | --- | --- |
| ***Imperial Judiciary? (POWER)*** | ***Politicians in Robes? (POLITICS)*** | ***Democratic? (DEMOCRACY)*** |
| ***YES*** | ***NO*** | ***YES*** | ***NO*** | ***YES*** | ***NO*** |
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*A wise student would include examples!*

**Limitations on Supreme Court power:**

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**Has the post-2005 seen a Conservative REVIVAL?**

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| ***Yes*** | ***No*** |
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**Factors a President considers when appointing a Justice?**

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