



Unit 5 The Judicial Branch

Slide 1- The _____ Branch

Slide 2- The Judicial System: Inception

-The judiciary under the _____ of Confederation

- Constitutional Convention

- Article III of the Constitution

- Judiciary Act of _____

- Before the Constitution, the United States had no _____ judicial system.
- Under the Articles of Confederation, each state put its own interpretation on national laws and decided how to _____ them—a situation which increasingly led to confusion and _____ between states.
- Thus, at the 1787 Constitutional Convention in Philadelphia, creating a national _____ was of paramount concern.
- In _____ III of the Constitution, the Framers of the Constitution provided specifically for the creation of the _____ Court; it left the creation of the rest of the federal judiciary to Congress.
- With the Judiciary Act of 1789, Congress laid the _____ for the federal court system.

Slide 3- Federal Courts

Constitutional Courts

- U.S. Supreme Court

- Courts of _____

- District courts

- U.S. Court of International _____

Special Courts

- Court of _____ Claims



- Military _____

- Court of Appeals for the Armed Forces

- _____ courts

- U.S. Tax Court

- Court of Veterans Affairs

- There are two types of courts at the _____ level: constitutional courts and special courts.
- Constitutional courts are often referred to as the “_____ courts”: they include the Supreme Court, courts of appeals, district courts, and the U.S. Court of International Trade.
- Federal courts beneath the Supreme Court—those _____ by Congress—are known as “inferior courts.”
- Special courts hear a narrow range of cases _____ to the expressed powers of Congress as referred to in Article I of the Constitution.
- Examples of special courts include the Court of Federal _____ (where people sue the federal government for damages), military tribunals, courts governing U.S. territories (such as Guam and the U.S. Virgin Islands), the United States _____ Court, and the Court of Veterans Affairs, which hears cases involving matters relating to _____ of the U.S. military.
- One other _____ court is the Court of the District of Columbia: since Washington, D.C. is not a state, it needs a special court to perform the functions _____ courts normally would.

Slide 4- Levels of Federal Courts

- Lowest—_____ courts

- Middle—court of _____

- _____—Supreme Court



- At the _____ federal court level is the federal district court, which is the first one to hear a case.
- At the next level is the court of appeals, which hears _____ to verdicts on cases tried in the lower courts.
- At the highest level is the Supreme Court, which provides the final rulings on questions of _____.

Slide 5- The Inferior Courts

- All courts below the U.S. Supreme _____
- Federal district courts
- Court of appeals
- Court of _____ Trade
- Court of Appeals for the Federal _____
 - All courts below the U.S. Supreme Court are considered to be _____ courts.
 - There are a total of _____ federal district courts; these courts hear about 80% of federal cases.
 - Courts of appeals were _____ in 1891 by Congress to alleviate the Supreme Court's caseload.
 - There are a total of _____ courts of appeals, which only hear cases that have been appealed in federal district courts.
 - There are _____ other inferior courts: the Court of International Trade and the Court of Appeals for Federal Circuit.
 - The former hears _____ cases relating to tariffs and trade; the latter handles appeals of civil cases.

Slide 6- Jurisdiction

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



Types of Jurisdiction

- _____

- Appellate

- Exclusive

- _____

- Jurisdiction refers to the right of a _____ court to hear and rule on a specific case.
- A court determines its jurisdiction by checking the _____ matter of the case and the parties involved.
- There are four different types of _____: the first court to hear a case has original jurisdiction.
- A court that hears a case on appeal has _____ jurisdiction.
- Sometimes a court has _____ jurisdiction over a case; for example, certain cases can only be heard in federal courts and not state courts.
- Concurrent jurisdiction deals with cases that can be heard _____ in federal or state courts.

Slide 7- The Supreme Court and “Judicial Review”

- *Marbury v. Madison* (1803)

- _____: the Supreme Court has the ultimate say as to whether laws and acts of government are constitutional

- Though the Constitution created the Supreme Court, it didn't define in detail its powers and duties, nor did it clearly _____ its relation to other federal courts.
- The _____ case of *Marbury vs. Madison* changed that concept.
- The facts of the case had more to do with _____ than the nature of the U.S. judicial system.



- In the last days of John Adams's presidency, the _____ Federalist Party had commissioned several Federalist-leaning judges in an attempt to "pack" the judiciary.
- When Thomas Jefferson became president, he learned about these "midnight judges" and instructed Secretary of State James Madison not to _____ them their commissions.
- One of the "midnight judges," William Marbury, sued the Jefferson _____; he sought a "writ of mandamus" (a court order) that would force Jefferson to release the commission under the terms of the Judiciary Act of 1789, which created the _____ court system.
- Chief Justice John _____ used the case as an opportunity to affirm the authority of the Supreme Court.
- He stated that while Marbury was entitled to his _____, the section of the Judiciary Act which allowed for writs of mandamus was unconstitutional.
- More importantly, the Court's unanimous _____ in the case asserted that only the Supreme Court could declare laws and actions _____, a concept now known as "judicial review."
- Though *Marbury* greatly augmented the power and _____ of the Supreme Court, Justices in the years since the decision have exercised this power infrequently on the federal level.
- In most cases involving judicial review, the Supreme Court has _____ the constitutionality of federal and state government laws and actions.
- The Court has declared acts of Congress to be unconstitutional only approximately _____ times since *Marbury vs. Madison*.

Slide 8- The U.S. Supreme Court

- Supreme Court Justices are _____ by the president and confirmed by the U.S. Senate.



- Like other _____ of the constitutional courts, Supreme Court Justices hold their positions for _____—in other words, they stay on the bench until they retire, resign, or die.
- The reason for this is to allow them to remain as impartial as possible by keeping them beyond the _____ of politics: in theory, judges who don't have to worry about getting reappointed or reelected are less likely to be _____ by partisan concerns or public opinion.
- The U.S. Supreme Court convenes the first Monday in _____ and stays open approximately nine months.
- Each week that the court is in _____, the justices hear cases Monday through Thursday then meet Friday to discuss them.
- The following Monday they _____ any decisions to the public.

Slide 9- The U.S. Supreme Court

Opinions of the Court

- _____ Opinion

- Concurring Opinion

- _____ Opinion

- There are three types of Supreme Court opinions:
- Majority opinion: the primary ruling of the court; expresses the _____ of the majority of the justices
- _____ opinion: written by a justice who agrees with the majority opinion, but not with how it was reached
- Dissenting opinion: written by a justice who _____ with the majority opinion

Slide 10- Notable Supreme Court Justices

- John Jay: _____ U.S. Supreme Court Justice



- Thurgood Marshall: first _____ American Supreme Court Justice

- Sandra Day O'Connor: first _____ Supreme Court Justice

Slide 11- U.S. Supreme Court Cases: Freedom of Religion

- 1st Amendment

- The "_____ Clause"

- The "Free Exercise Clause"

- 14th Amendment

Cases

- *Zorach v. Clauson*, 1952 (religious studies)

- *Engel v. _____*, 1962 (no mandatory prayer or Bible-reading in schools)

- *Edwards v. Aguillard*, 1987 (evolution and creationism)

- *Westside Community Schools v. Mergens*, _____ (student religious groups)

- The 1st Amendment to the Constitution states that "Congress shall make no law _____ an establishment of religion"; this is often referred to as the "Establishment Clause."
- The 1st Amendment also bans Congress from passing any laws that _____ the "free exercise" of religion; this is often referred to as the "Free Exercise Clause."
- These two clauses form the basis for _____ of religion in the United States.
- In addition, the 14th Amendment's guarantee that states cannot "make or _____ any law which shall abridge the privileges...of the citizens of the United States" or "_____ to any person within its jurisdiction the equal protection of the laws" ensures freedom of _____ at the state and local levels.
- Important Supreme Court cases involving freedom of religion have included:
 - *Zorach v. Clauson*, 1952: The Court ruled that _____ must release students for religious studies as long as the studies do not take place on school property.



- *Engel v. Vitale*, 1962: The Court _____ mandatory prayer and Bible-reading in schools.
- *Westside Community Schools v. Mergens*, 1990: The Court stated that the _____ Amendment's Equal Access Clause allows students to have religious groups on public school campuses if other non-academic clubs exist.
- *Edwards v. Aguillard*, 1987: The Court ruled that the teaching of _____ in public schools could not be forbidden and the teaching of _____ could not be made mandatory.

Slide 12- U.S. Supreme Court Cases: Freedom of Religion (continued)

- *Lynch v. Donnelly*, 1984 (_____ displays)

- *Marsh v. Chambers*, 1983 (legislative prayers)

- *Bob Jones University v. U.S.*, 1983 (religion and _____ discrimination)

- *Lemon v. Kurtzman*, 1971 (state _____ to religious schools)

- *Lynch v. Donnelly*, 1984: The Court ruled that seasonal displays on public _____ could include religious elements (such as a Nativity scene) as long as non-religious _____ were featured as well.
- *Marsh v. Chambers*, 1983: The Court ruled that state _____ and the U.S. Congress could have chaplains begin legislative sessions with a prayer.
- The ruling cited the long history of the _____ in America, and also distinguished it from school prayer by noting that unlike _____, legislators are adults and therefore "not susceptible to religious indoctrination or peer pressure."
- *Bob Jones University v. U.S.*, 1983: Bob Jones University, a _____ college in South Carolina, had a policy of refusing to admit students who married interracially or _____ interracial dating and marriage.
- The IRS claimed the school practiced racial _____ and consequently denied it tax-exempt status.



- The school appealed, claiming their _____ came from the Bible.
- The Supreme Court ruled against the university, _____ that the federal government had a “fundamental overriding interest in eradicating racial discrimination in education.”
- *Lemon v. Kurtzman*, 1971: The Court established the so-called “_____ Test” to determine the constitutionality of any law that _____ for aid to religious schools.
- For such a law to be constitutional, it has to have a “secular legislative purpose,” it can neither “_____” nor “inhibit” religion, and it must not foster “an excessive government entanglement with religion.”

Slide 13- U.S. Supreme Court Cases: Freedom of Expression-

- *Near v. Minnesota*, 1931 (“prior _____”)

- *Miller v. California*, 1973 (obscenity)

- *Brazenburg v. Hayes*, 1972 (_____)

- The Constitution also protects freedom of _____—specifically, freedom of speech and of the press.
- The 1st Amendment states that Congress _____ pass any law “abridging the freedom of speech, or of the press.”
- However, the Supreme Court has ruled that freedom of expression is not _____, and in certain cases has placed limitations on these freedoms.
- Important Supreme Court _____ involving freedom of expression have included:
- *Near v. MN*, 1931: “Prior restraint” refers to _____ of a work before publication.
- In the *Near* decision, the Court ruled that _____ restraint was generally unconstitutional, but could be exercised if necessary to preserve national security.



- *Miller v. CA*, 1973: The Court laid out a three-part test for defining whether a given piece of _____ can be legally characterized as “obscene.”
- First, an “average person applying contemporary _____ standards” would be likely to find that the material “appeals to the prurient interest” (i.e., is specifically designed to arouse sexual desire).
- Second, the material has to _____ or describe “in a patently offensive way, sexual conduct” specifically defined by an anti-obscenity law.
- Third, the material has to lack “serious literary, _____, political, or scientific value.
- *Brazenburg v. Hayes*, 1972: The press has often _____ for the need to protect the confidentiality of its sources, claiming that without confidentiality many sources would not reveal information _____ to the general public.
- In *Brazenburg*, the Court more or less disagreed with the idea of a right to confidentiality, stating that reporters have the same _____ as other citizens to “respond to relevant questions put to them in the course of a _____ grand jury investigation or criminal trial.”
- However, the Court left it up to Congress and the States to _____ laws protecting the confidentiality of a reporter’s sources.
- Approximately 30 _____ today have such “shield laws.”

Slide 14- U.S. Supreme Court Cases: Freedom of Expression (cont.)

- *Tinker v. Des Moines Independent School District*, 1969 (_____ speech)

- *Texas v. Johnson*, 1989 (flag burning)

- *44 Liquormart Inc., v. Rhode Island*, 1996 (_____ speech)

- *Tinker v. Des Moines School Independent District*, 1969: “Symbolic speech” involves statements made in forms other than verbal or _____ communication.



- In the *Tinker* case, a group of Iowa high school students wore black armbands to school to show their _____ to the Vietnam War.
- The school then _____ the students.
- In its ruling, the Court came out in _____ of the students, claiming that a school can limit students' freedom of speech only if such speech is likely to cause a "substantial _____."
- The ruling also contained the famous _____ that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."
- *Texas v. Johnson*, 1989: The Court ruled that _____ the American flag as a form of political protest is protected as freedom of expression.
- *44 Liquormart, Inc., v. RI*, 1996: The Court ruled that commercial speech is _____ by the 1st and 14th Amendments, but advertising that is false or misleading is still forbidden.

Slide 15- Freedom of Expression vs. National Security

- Sedition

- Alien and _____ Acts, 1798

- _____ Act of 1917/Sedition Act of 1918

- *Schenck v. U.S.*, 1919

- Sometimes freedom of expression conflicts with _____ security.
- Sedition involves advocating or inciting the _____ or overthrow of government.
- In the past, Congress has enacted laws that _____ seditious speech.
- The first such instance occurred with the _____ and Sedition Acts of 1798, which were passed during a period in which _____ was in an "undeclared war" with France.



- The Acts empowered the president to deport _____ residing in the U.S. and also made it a crime to engage in any “false, scandalous, and malicious” _____ of the government.
- They were repealed because they could allow the _____ to use these against his adversaries in politics.
- During World War I, Congress passed the Espionage Act of 1917, which made it a crime to _____ with the draft.
- A year later, the Sedition Act made it illegal to interfere with the sale of _____ bonds (sold by the government to finance the war), obstruct military recruiting, or to “print, write, or publish any disloyal, _____, scurrilous, or abusive language about the form of government of the United States.”
- Over 1000 people were convicted of _____ the Espionage and Sedition Acts.
- Some challenged their _____ in court, and in 1919 the case of *Schenck v. U.S.* reached the Supreme Court. Charles Schenck, a _____, had published and distributed fliers urging men to _____ the draft.
- The Court upheld Schenck’s conviction, noting that “words can be _____” and asserting the right of Congress to pass laws prohibiting speech that poses a “clear and _____ danger.”

Slide 16- Freedom of Expression vs. National Security (continued)

- Seditious Acts _____ a time of peace:
- Smith Act, 1940
- _____ v. *U.S.*, 1951
- *Yates v. U.S.*, _____
- McCarran Act, 1950
- *Communist* _____ v. *SACB*, 1961



- *Albertson v. SACB*, 1965

- Anti-sedition laws have also been _____ during times of peace.
- The Alien Registration Act of 1940 (also known as the Smith Act) made it illegal to _____ “overthrowing or destroying the government of the United States...by force or violence.”
- Legal challenges to the Smith Act have _____ it as violating the 1st Amendment; the results of these cases have been mixed.
- The 1951 case of *Dennis v. U.S.* concerned officers of the American _____ Party who had been convicted under the Smith Act.
- The Supreme Court upheld the _____, stating that “an attempt to overthrow the government by force...is a sufficient evil for Congress to prevent.”
- However, in the 1957 case of *Yates v. U.S.* the Court _____ the Smith Act convictions of some Communist Party leaders, ruling that while it is not illegal to merely urge someone to believe in the overthrow of the _____, it is illegal to urge them to actually do something to overthrow the government.
- The McCarran Act of 1950 required all communists to _____ with the U.S. Attorney General. Challenges to the act resulted in the following decisions:
- *Communist Party v. SACB*, 1961: The Court ruled that the government could not use an individual’s _____ beliefs as justification for forcing that person to register with the _____ General.
- *Albertson v. SACB*, 1965: The Court ruled that to force someone to register with the Attorney General _____ the 5th Amendment’s protection against self-incrimination.

Slide 17- Freedom of Assembly and Petition

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



Cases

- *Grayned v. City of Rockford*, _____

- *Cox v. Louisiana*, 1965

- *Forsyth County v. Nationalist* _____, 1992

- The 1st Amendment states that “Congress shall make no law... _____...the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”
- Freedom of assembly covers not only public _____ and rallies, but also extends to a person’s right to create and/or belong to political parties, _____ groups, or other such associations that have “peaceable” goals.
- However, the courts have ruled that _____ do exist to freedom of assembly.
- In general, the government can make laws regulating the “time, place, and manner” of _____ assemblies so long as these laws are “content neutral.”
- In other words, a law or ordinance cannot limit freedom of assembly _____ on the content of a protest or rally; it can only limit when, where, and how the protest or _____ can take place.
- Important Supreme Court cases involving freedom of assembly and petition have included:
- *Grayned v. City of Rockford*, 1972: The Court upheld city _____ prohibiting disturbances or noises that disrupt a school.
- *Cox v. Louisiana*, 1965: The Court upheld laws prohibiting _____ near a courthouse when they are intended to influence a trial.
- *Forsyth County v. Nationalist Movement*, 1992: The Court ruled that a county could not charge a fee for public _____.

Slide 18- Due Process

- Substantive due process

- _____ due process



Cases

- *Rochin v. CA*, 1952 (procedural due process)

- *Pierce v. Society of Sisters*, 1925 (_____ due process)

- The 5th Amendment states that the government cannot _____ any person of “life, liberty, or property without due process of law.”
- Due process cases involve questions of whether the government has acted _____ and reasonably, and in accordance with appropriate laws and rules.
- Over the years, court rulings have made a _____ between **substantive due process** and **procedural due process**.
- Substantive due process deals with government laws and _____; procedural due process deals with government actions and methods.
- Two cases illustrate the _____ between substantive due process and procedural due process:
- *Rochin v. CA*, 1952: When police confronted Rochin, a _____ drug dealer, he swallowed the evidence.
- The officers then _____ him to have his stomach pumped.
- The Supreme Court ruled the police had _____ procedural due process.
- *Pierce v. Society of Sisters*, 1925: A 1922 Oregon law had required all children between the ages of eight and 16 to _____ public schools.
- The Society of Sisters, a Roman Catholic order, _____ the law; the Supreme Court then ruled that the statute violated substantive due process because it “unreasonably _____ with the liberty of parents to direct the upbringing and education” of their children.
- The Court acknowledged that while the state did have a right to pass _____ education laws, it did not have the right to force children to receive that education from public schools.



Slide 19- Due Process (continued)

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

Right to Privacy

- *Griswold v. CT*, _____

- *Roe v.* _____, 1973

- *Schmerber v. CA*, 1966: Legally, the term “police power” refers to the _____ of the state to protect public health, safety, and welfare.
- In *Schmerber*, a policeman had ordered _____ drawn from a man suspected of drunk driving.
- The man appealed, claiming his due process _____ had been violated.
- The Supreme Court disagreed, _____ that the blood had been taken according to accepted medical practice, the officer had _____ cause to believe the man was drunk, and that in the time it would have taken to obtain a search warrant ordering the blood drawn, the evidence—the _____ in the suspect’s bloodstream—could have disappeared.
- Legally, a “right to _____” refers to security from government intrusion into one’s private life.
- Though the Constitution does not specifically guarantee a right to privacy, the Supreme Court has ruled that due process _____ creates a right to privacy.
- Notable cases dealing with the right to privacy include:
- *Griswold v. CT*, 1965: This case concerned a state law that made birth-control _____ illegal and outlawed the use of birth-control devices.
- The Court ruled that the law violated due process, stating that the government had no right to _____ what goes on in the “marital bedroom.”
- *Roe v. Wade*, 1973: This _____ ruling dealt with a woman’s right to have an abortion.



- The Court struck down a Texas law _____ abortion, stating that the right to privacy encompassed “a woman’s decision whether or not to _____ her pregnancy.”

Slide 20- Rights of the Accused

Important terms

- Writ of _____ *corpus*

- Bill of attainder

- *Ex post* _____ Laws

- Double jeopardy

- _____ trial

- Bench trial

- Writ of *habeas corpus*: *Habeas* _____ is a Latin term which literally means “you have the body.”
- The _____ refers to the idea that a person held in jail must be brought before a court to _____ why they’re being held.
- In other words, a person cannot be held in jail _____ without the government filing formal charges against them.
- Bill of attainder: An act or law that declares a person or group of people guilty of a crime and _____ punishment or penalties without a trial.
- *Ex post facto* laws: *Ex post facto* is Latin for “from a thing done _____.”
- An *ex post facto* law defines a _____ crime and retroactively applies punishment or penalty for committing that crime.
- In essence, even if an action was not defined as a crime when a person _____ it, an *ex post facto* law still penalizes the person.
- Although *ex post facto* _____ laws are illegal, civil laws can be made retroactive.



- Double jeopardy: This term refers to being tried _____ for the same crime.
- The 5th Amendment prohibits double jeopardy, stating that no one can be “subject for the same _____ to be twice put in jeopardy of life or limb.”
- However, a person can be tried twice for the same crime if their _____ violated both state and federal law.
- Jury trial: The 6th Amendment states that a person _____ of a crime have the right to a “speedy and public trial, by an impartial jury of the state.”
- In the trial, the accused must be _____ of the charges against them, have the opportunity to confront their _____ and witnesses against them, be allowed to call witnesses to testify in their favor, and be provided with a _____ to assist them with their defense.
- Bench trial: Sometimes a person accused of a crime can _____ their right to a jury trial and opt for a bench trial instead.
- In a bench trial, the _____ alone hears the evidence and renders a verdict.

Slide 21- Rights of the Accused (continued)

- *Mapp v. OH*, 1961 (_____ rule)

- *Gideon v. Wainwright*, 1963 (right to counsel)

- *Miranda v. AZ*, 1966 (self- _____)

- Important Supreme Court cases involving rights of the _____ have included:
- *Mapp v. OH*, 1961: The 4th Amendment protects citizens against “ _____ searches and seizures.”
- Any evidence obtained by authorities as a result of an _____ search cannot be used against the accused at trial: this is known as the **exclusionary rule**.
- In *Mapp*, the Supreme Court threw out _____ obtained in a police search that had been conducted without a warrant.



- *Gideon v. Wainwright*, 1963: In this case, the Court _____ the 6th Amendment's right to counsel, ruling that anyone accused of a felony is entitled to a public _____.
- *Miranda v. AZ*, 1966: In a _____ based on the 5th Amendment's right against self-incrimination, the Court ruled that before any police _____ can take place, all suspects must be informed of their constitutional rights.

Slide 22- Rights of the Accused: The 8th Amendment

- *U.S. v. Salerno*, 1987 (_____ detention)
- *Furman v. Georgia*, 1972 (outlawed death penalty laws)
- *Gregg v. Georgia*, 1976 (allowed "two-stage" _____ penalty laws)
- *Coker v. Georgia*, 1977 (_____ when death penalty can be imposed)
 - The 8th Amendment protects those _____ of a crime from having to pay excessive fines for bail or be subject to "cruel and unusual _____."
 - One major debate _____ the issue of whether capital punishment violates the 8th Amendment's guarantee against cruel and _____ punishment.
 - Important Supreme Court cases _____ the 8th Amendment have included:
 - *U.S. v. Salerno*, 1987: In 1984, Congress passed the Preventive _____ Law, which allowed a federal judge to hold defendants without bail if they will likely _____ another crime before trial or are apt to flee.
 - In the *Salerno* case, the appellants argued that the law undermined _____ of innocence and effectively inflicted punishment without the benefit of a trial; however, the Court _____ and upheld the Preventive Detention Law.



- *Furman v. GA*, 1972: The Court outlawed capital punishment, _____ that current state laws gave too much discretion to _____ and juries in deciding whether to impose death sentences.
- *Gregg v. GA*, 1976: After *Furman*, Congress and many states _____ “two-stage” death penalty laws which provided for two trials in capital cases: one to _____ guilt or innocence and another to determine whether a person convicted of murder deserved to be put to death.
- In *Gregg*, the Court upheld the constitutionality of these two-stage laws, effectively _____ capital punishment.
- *Coker v. GA*, 1977: The Court ruled that the death penalty could only be _____ for “crimes resulting in the death of the victim.”

Slide 23- Civil Rights and Liberties

- _____ rights

- Civil _____

- Equal _____ Clause

- Civil rights are the guaranteed governmental _____ of individual constitutional rights for all people.
- Civil rights are embodied in laws that prohibit discrimination and _____ equal protection of the law for all.
- Civil liberties are protections from _____ or arbitrary actions of government; examples include freedom of speech, freedom of religion, and _____ against unreasonable searches and seizures.
- The 14th Amendment says that no state can “deny to any person within its _____ the equal protection of the laws.”
- This part of the amendment is often _____ to as the Equal Protection Clause.



- Though not all discrimination is illegal—after all, national, state, and local governments all need to be able to _____ and draw distinctions between different groups of people for legal and administrative purposes—no acts, laws, or practices can _____ single out a specific class of people.

Slide 24- Civil Rights: Segregation

- “Jim Crow” laws

- *Plessy v.* _____, 1896

- After Reconstruction ended in 1876, many Southern states began to pass racial _____ laws (also known as “Jim Crow” laws) designed to keep blacks and whites separate.
- Although segregation in the South clearly _____ whites, it was not until 1896 that any legal challenge to segregation reached the _____ Court.
- *Plessy v. Ferguson*, 1896: The case arose when Homer Plessy, a _____ of mixed race, took a seat in the “Whites Only” section of a Louisiana train and refused to move when _____.
- He was arrested and _____ for violating Louisiana’s segregation law.
- In the lower courts, Plessy lost, so he _____ to the Supreme Court.
- The Court ruled against Plessy; Justice Henry B. Brown, _____ the opinion for the 8-1 majority, stated that as long as the facilities provided were “equal,” it was legal to _____ by race.
- The *Plessy* decision provided a legal basis for segregation, and the phrase “_____ but equal” became ingrained in the public consciousness.

Slide 25- Civil Rights: Ending Segregation

- *Brown v. Board of Education of Topeka, Kansas*, _____

- *De jure* segregation vs. *de facto* segregation

- *Alexander v. Holmes County Board of* _____, 1969



- *Brown v. Board of Education Topeka*, 1954: By the 1950s, the NAACP was _____ working to overturn *Plessy* and to end segregation in K–12 education as well as in _____ education.
- The association managed to get five _____ cases before the Supreme Court; the justices ruled on all the cases under the “umbrella” of a _____ in the case of *Brown v. Board of Education of Topeka, Kansas*.
- NAACP Lawyer _____ Marshall argued that segregation was inherently harmful psychologically and socially to black children.
- Chief Justice Earl _____ knew how important the Court’s decision would be, and he worked behind the scenes to get a _____ decision in order to deter future challenges to the ruling.
- Voting 9-0, the Court ruled that _____ school segregation violated the 14th Amendment.
- In writing the decision, Warren _____ repudiated *Plessy*, asserting that “separate but equal is inherently unequal.”
- *De jure* segregation vs. *de facto* segregation: When it came to _____ *Brown* and actually desegregating schools, Southern states _____ dragged their feet.
- A year after the initial *Brown* decision, the Supreme Court issued a “second” *Brown* decision ordering that schools be _____ “with all deliberate speed.”
- While *Brown* _____ the legal basis for school segregation, *de facto* segregation still existed in many places because the federal government had only a limited _____ to enforce the ruling.
- *Alexander v. Holmes County Board of Education*, 1969: By the end of the 1960s, some school _____, such as Mississippi’s Holmes County, had still _____ to desegregate.



- In the Alexander case, the Court put an end to *de facto* segregation, ruling that “the _____ operation of segregated schools under a standard allowing for ‘all deliberate speed’...is no longer _____ permissible.”

Slide 26- Civil Rights

- The _____ Rights Act of 1964

- *Regents of the University of California v. Bakke*, _____

- *United Steelworkers v. Weber*, 1979

- The Civil Rights Acts of 1964 attacked many of the _____ of “Jim Crow” while also providing several major benefits for _____.
- Its provisions included _____ the use of different voter registration standards for whites and blacks, barring _____ in “public accommodations,” allowing for withholding of federal funds from programs which were “administered in a discriminatory manner,” and establishing a right to _____ of opportunity in employment.
- In effect, the act provided the _____ general and the Justice Department with the legal might they needed in order to aggressively dismantle segregation.
- *Regents of the University of CA v. Bakke*, 1978: So-called “affirmative action” policies were designed to _____ the past effects of discrimination against minorities.
- Such policies often accomplished this goal by _____ quotas: a mandatory number or percentage of minorities that had to be hired or _____ out of a total pool of applicants.
- The *Bakke* case highlighted a problem inherent in _____ action programs.
- Bakke, a white man, had been denied _____ to the medical school at the University of California at Davis.



- UC Davis admissions used a _____ system that guaranteed 16 of the medical school's 100 places to minorities.
- Bakke sued the University of California, _____ the school's quotas violated the Equal Protection Clause and amounted to reverse discrimination.
- The Supreme Court ruled in Bakke's _____, stating that while race may be used as one factor in determining admissions it cannot be the only factor.
- *United Steelworkers v. Weber*, 1979: This case involved a _____ steelworker who sued because he had been rejected in favor of black co-workers for a _____ program at his company; quotas had figured into his rejection.
- The Court ruled in favor of the company, _____ that quotas did not necessarily mean reverse discrimination—especially in cases where they helped to “overcome manifest racial _____.”