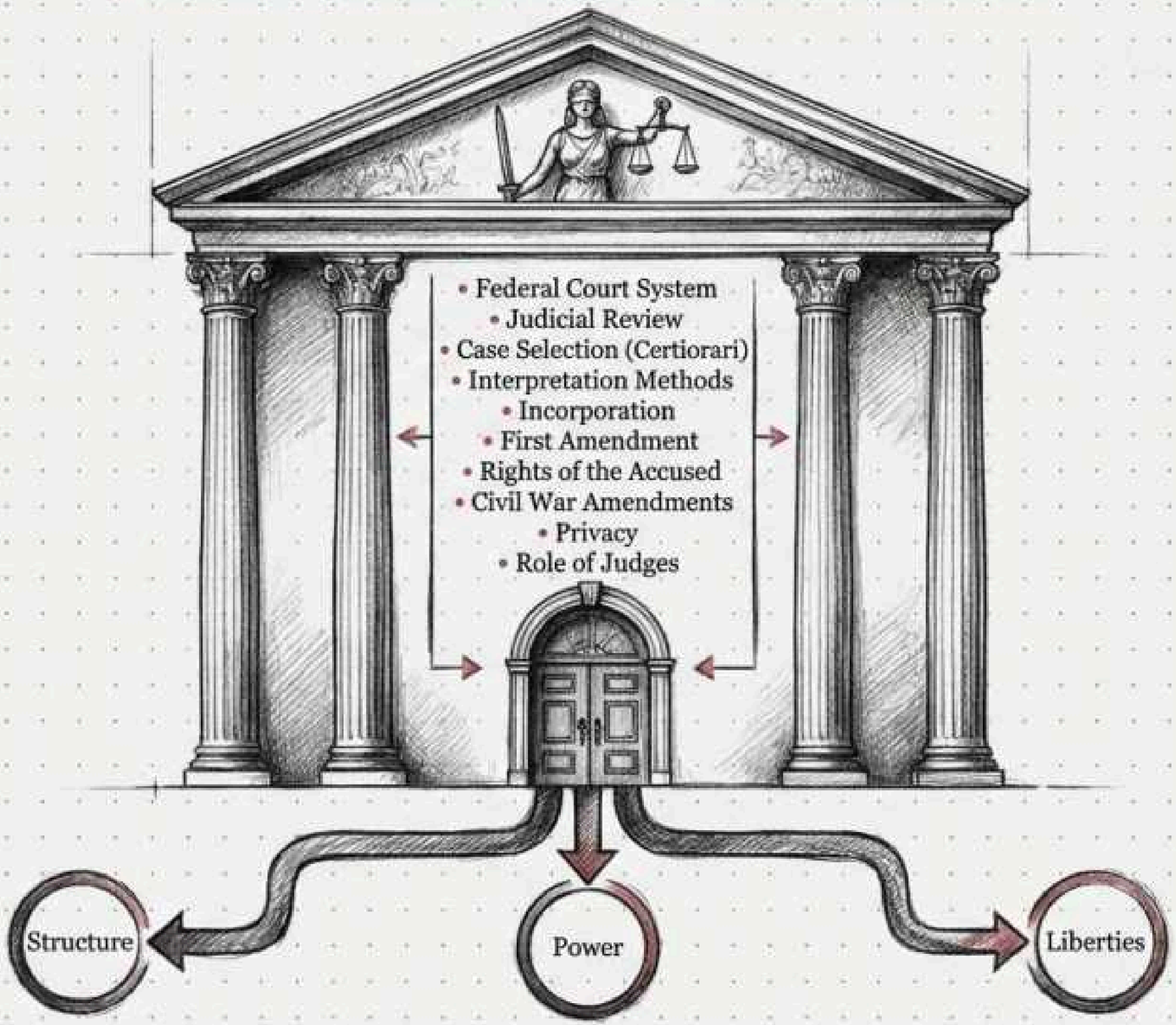
Lecture 4: The Courts and Civil Liberties

¶ 4.1



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The Constitutional Blueprint

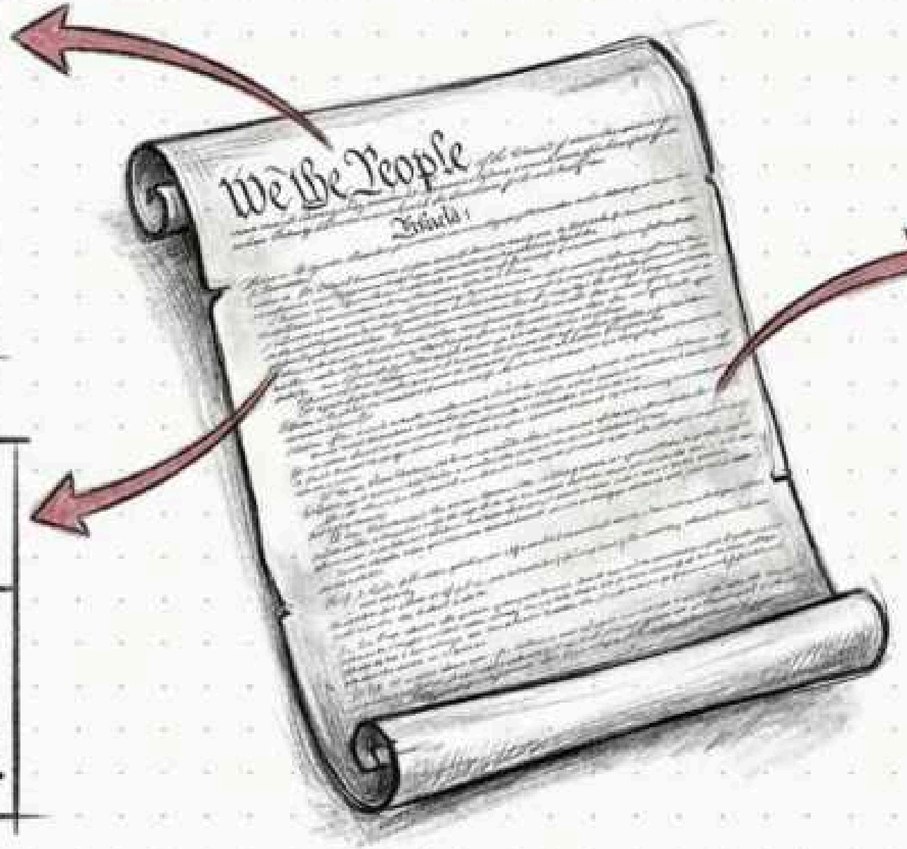
$$\text{Article III} \Rightarrow 1\ (\text{Supreme Court}) + \sum \begin{pmatrix} \text{Lower Courts} \\ \text{Congress} \end{pmatrix}$$

Article III

Creates exactly one Supreme Court; delegates the creation of lower courts to Congress.

Bill of Rights & 14th Amendment

Protects speech, fair trials, and equal treatment under the law.



Judicial Review

The forthcoming concept of the Court's ultimate check.

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The Three-Tier Federal Architecture

1 Supreme Court (9 Justices)

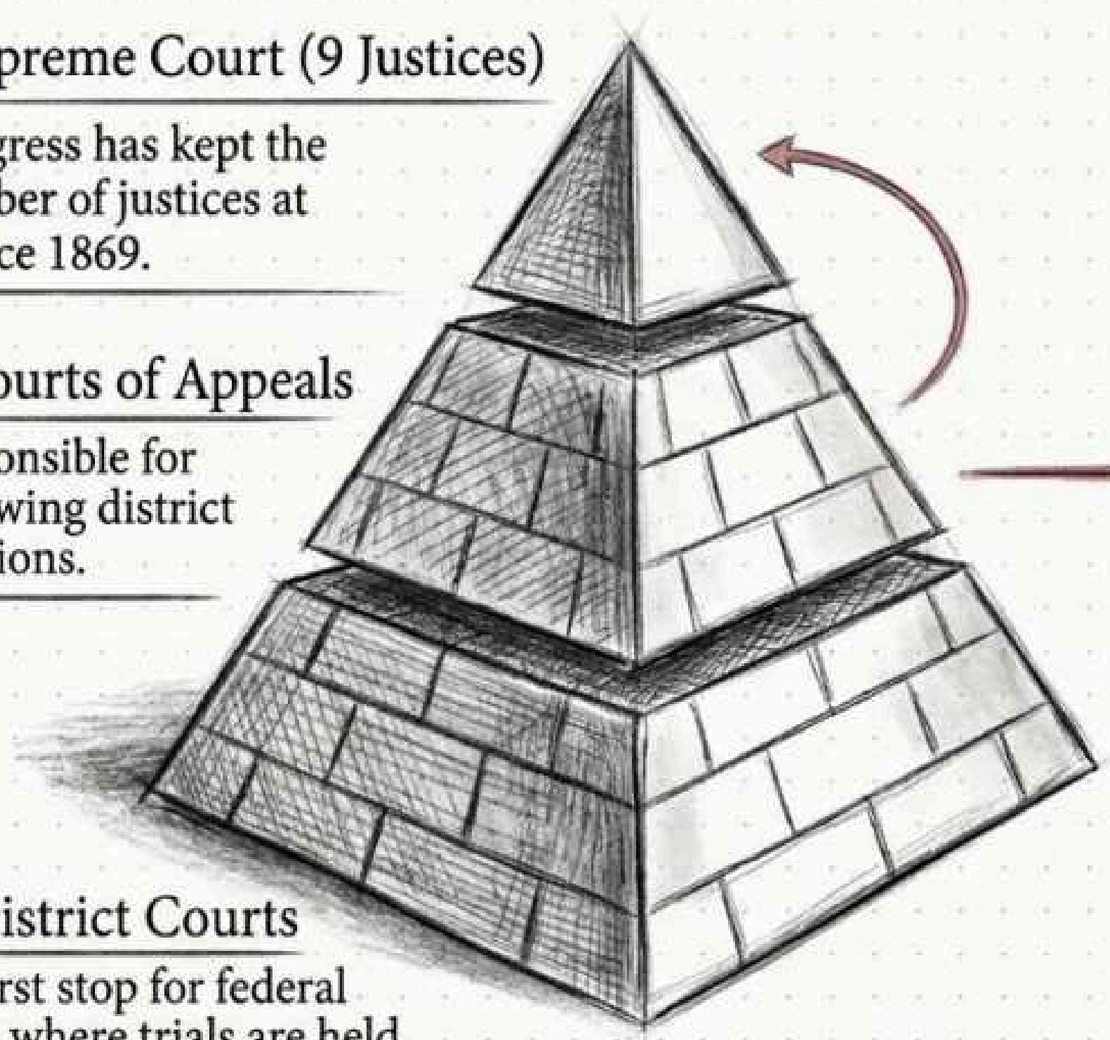
Congress has kept the number of justices at 9 since 1869.

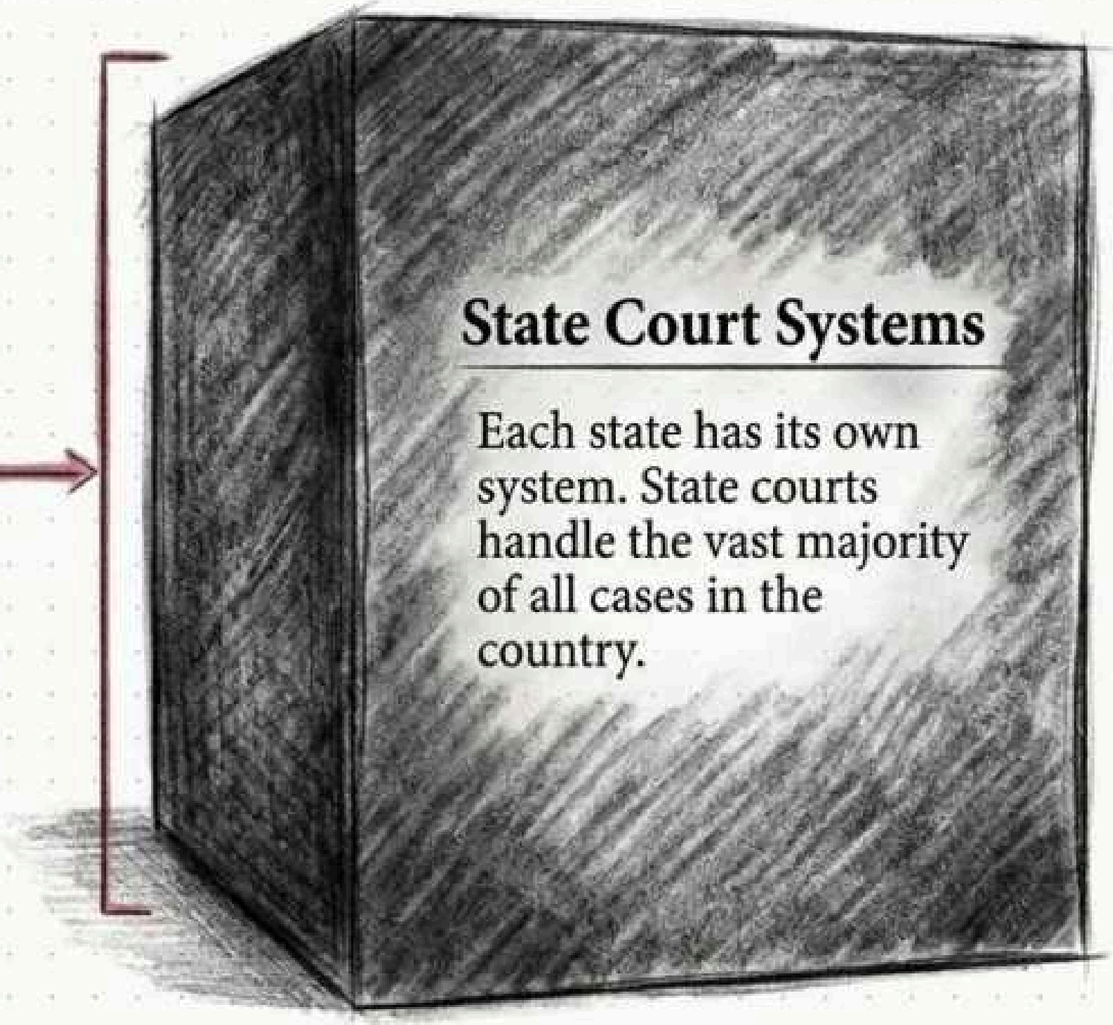
13 Courts of Appeals

Responsible for reviewing district decisions.

90 District Courts

The first stop for federal cases; where trials are held.





State Court Systems

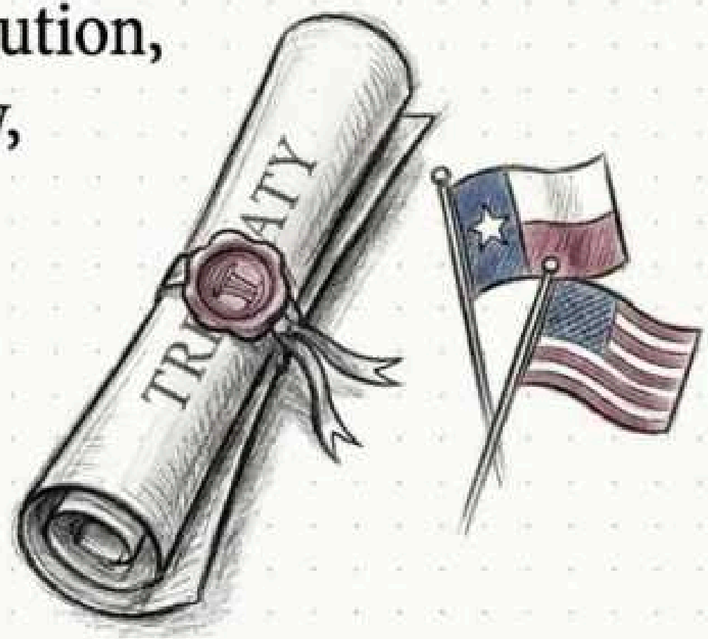
Each state has its own system. State courts handle the vast majority of all cases in the country.

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Dividing the Docket: Jurisdiction

Federal Jurisdiction

- The Constitution,
- Federal Law,
- Treaties,
- Interstate Disputes (States or Citizens)



State Jurisdiction (The Everyday)

- Ordinary Crimes,
- Contracts,
- Family Matters,
- Injuries



Federal courts are highly important, but only part of the national legal picture.

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¶ 4.5

The Mechanics of Judicial Independence

Nomination(POTUS) + Confirmation(Senate) = Tenure(∞) + Pay(Protected)

Freedom from Political Pressure

Life tenure during good behavior, protected salary.



Decades of Unelected Power

Makes every appointment a major, high-stakes political event.

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The Birth of Judicial Review

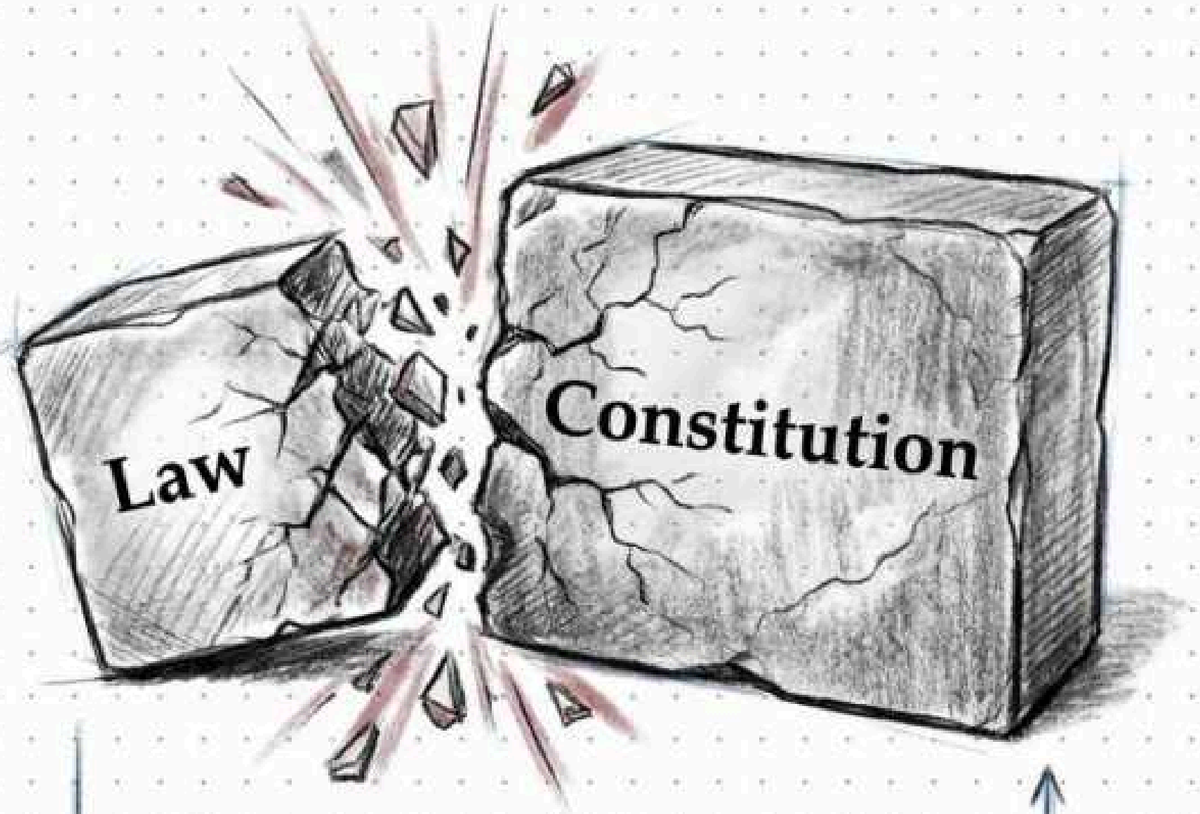


1803

Established by *Marbury v. Madison*. Judicial review is the power to strike down laws, and it is not explicitly stated in the Constitution.

"It is emphatically the province and duty of the judicial department to say say what the law is."

— Chief Justice John Marshall

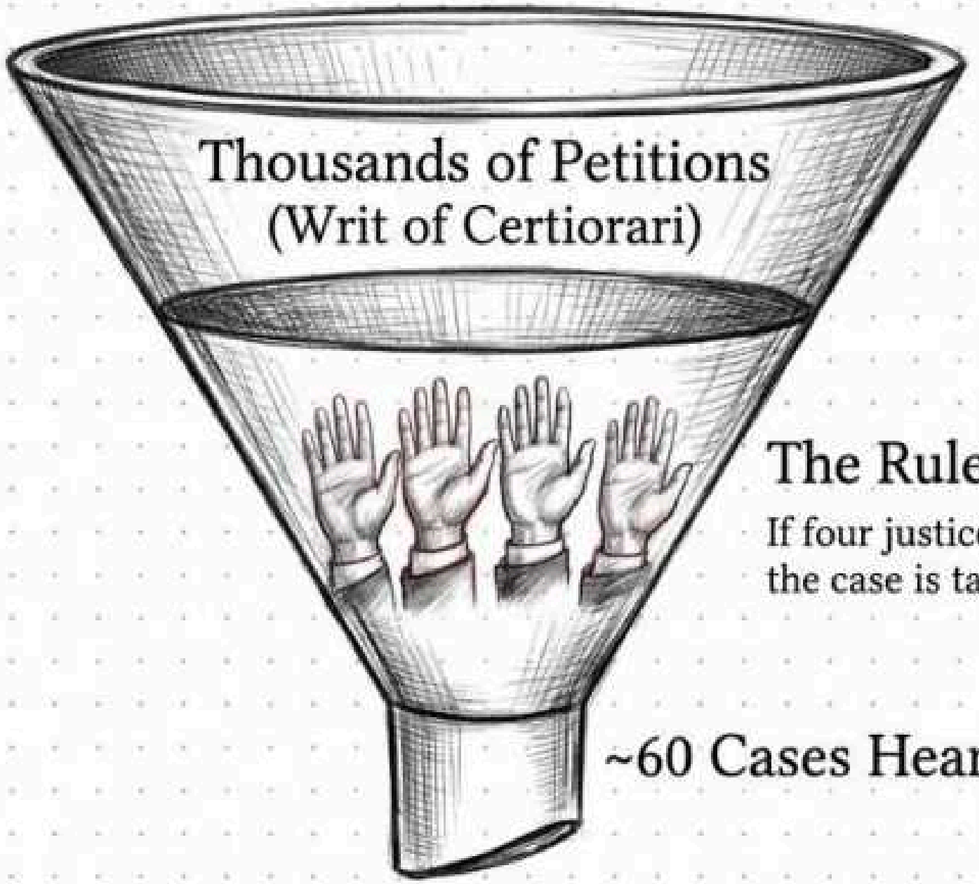


A law that conflicts with the Constitution cannot stand.

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The Path to the Supreme Court

¶ 4.7



The Rule of 4

If four justices vote yes, the case is taken.

~60 Cases Heard Annually

Oral Argument → Private Vote → Opinion Writing → Majority / Concurring (agree with result, different logic) / Dissenting

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Precedent & Interpretation

¶ 4.8

Stability



Stare Decisis: The principle of following precedent—deciding like cases alike to make the law stable.

(Note: The Court can overrule earlier decisions).

The Matrix of Interpretation

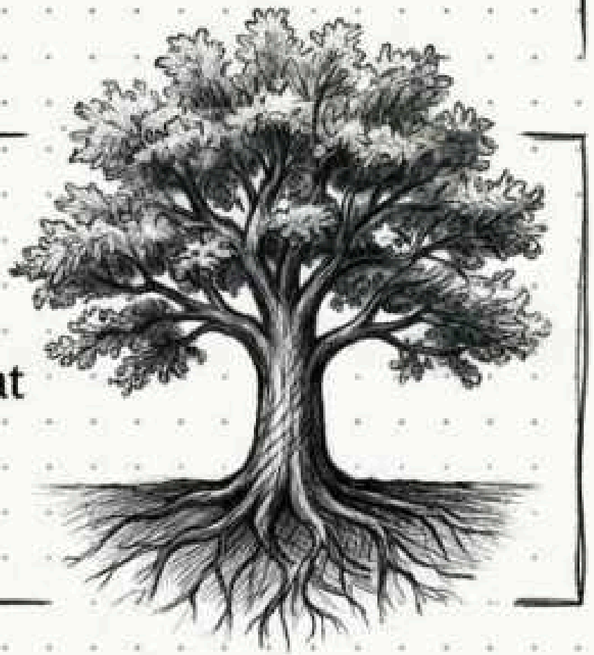


Originalism / Textualism

Looks to the meaning of the words exactly as they were written.

Living Framework

Views the Constitution as a living document that adapts to new societal conditions.



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The Engine of Incorporation

¶ 4.9

The Bill of Rights originally restricted only the national government.

[Bill of Rights] + [14th Amendment (1868)] —(20th Century)→ Incorporation



Over the 20th century, the Supreme Court gradually applied most Bill of Rights protections to the states.

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The First Amendment Ecosystem

¶ 4.10

Protected

Free exercise of religion



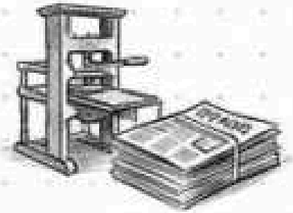
No government establishment of religion





Tinker v. Des Moines (1969) - Students keep free speech rights at school.

Press



Speech



Petition



Assembly



Unprotected Limits

- Imminent lawless action



- True threats



- Defamation



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Rights of the Accused

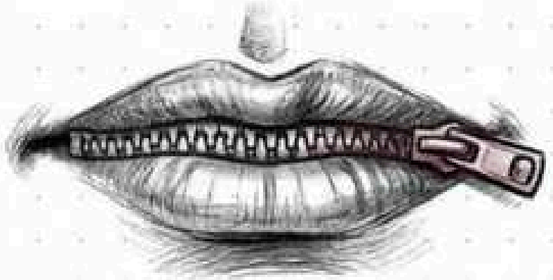
¶ 4.11

The Fourth Amendment



Bars unreasonable searches; generally requires warrants.

The Fifth Amendment



Protects against compelled self-incrimination; guarantees due process.

The Sixth Amendment



Right to a speedy public trial and a lawyer.

(*Gideon v. Wainwright*, 1963, extended this to poor defendants in state courts).

The Eighth Amendment



Bars cruel and unusual punishment.

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Miranda Warnings & The Second Amendment

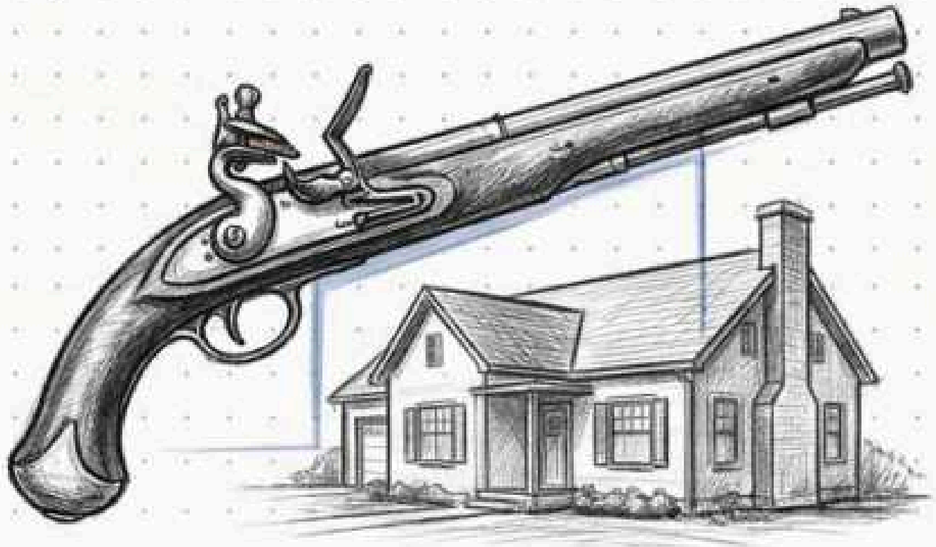
¶ 4.12

The Fifth & Sixth Amendments in Custody



Miranda v. Arizona (1966): Required police to warn suspects in custody of their right to remain silent and have a lawyer. These warnings are now familiar globally via television.

The Second Amendment

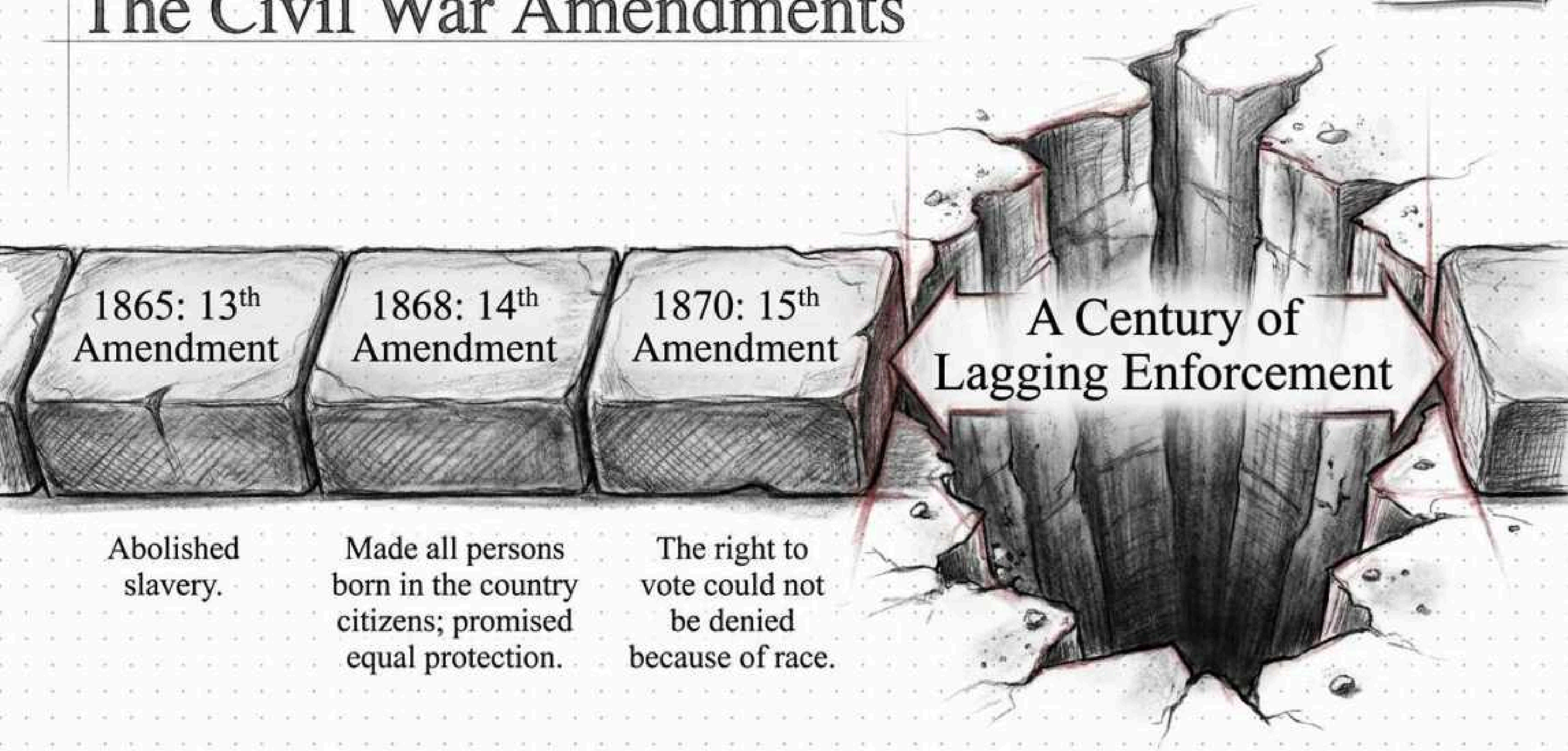


Protects the right to keep and bear arms. In 2008, the Court held it protects an individual right. The exact scope is still being actively worked out in later cases.

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¶ 4.13

The Civil War Amendments



Abolished slavery.

Made all persons born in the country citizens; promised equal protection.

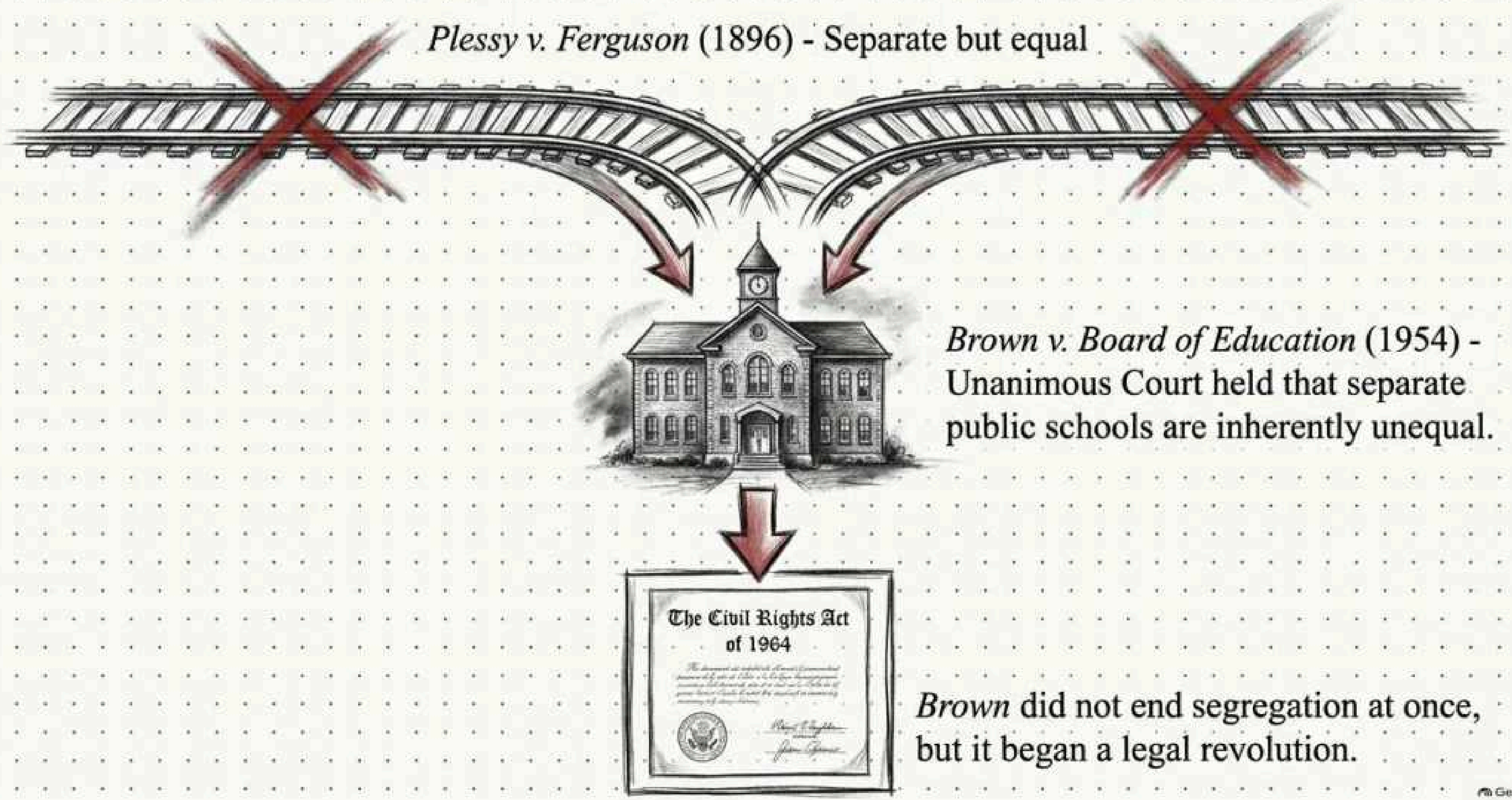
The right to vote could not be denied because of race.

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Exhibit: ¶ 4.14

The Civil Rights Reversal

Plessy v. Ferguson (1896) - Separate but equal



Brown v. Board of Education (1954) - Unanimous Court held that separate public schools are inherently unequal.

Brown did not end segregation at once, but it began a legal revolution.

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Privacy and Personal Liberty

¶ 4.15

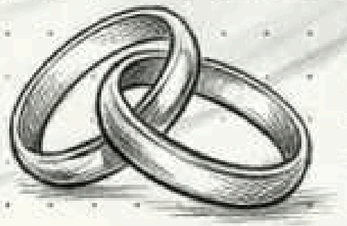
The Privacy Arc

1965: *Griswold v. Connecticut*
(Protected a married couple's use of contraception).

1973: *Roe v. Wade*
(Recognized a right to abortion).

2022: *Dobbs v. Jackson*
(Overruled *Roe*, returned the question to elected officials).

2015: *Obergefell v. Hodges*
(Held that same-sex couples may marry).



These decisions remain deeply debated.

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Exhibit: ¶ 4.16

The Limits of Judicial Power

The Court

No Army.
No Purse.

Enforcement
(e.g., Pres. Eisenhower sending federal troops to Little Rock in 1957).

Funding, Statutes, and Constitutional Amendments.



Depends entirely on the other branches and the public to carry out rulings.



Executive Branch

Legislative Branch & Public

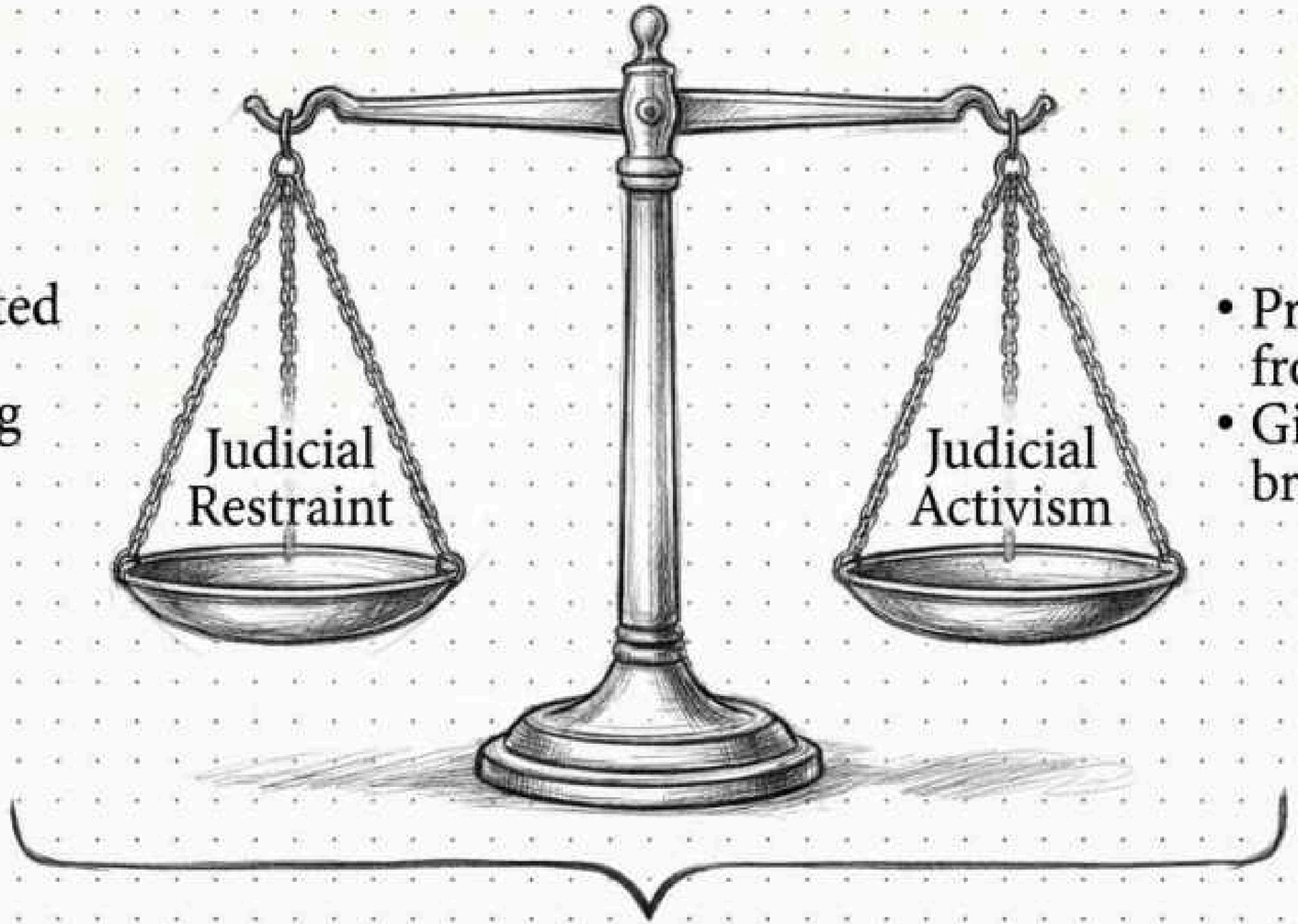
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Exhibit: ¶ 4.17

The Proper Role of the Judge

Reform: Term Limits?

- Defer to elected branches.
- Avoid making policy.



- Protect minorities from majorities.
- Give meaning to broad rights.

Reform: Court Size?

Changing the Court would require action by Congress and the President.

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Exhibit: ¶ 4.18

Lecture Synthesis & Recap

Structure



- Federal courts operate on three levels.
- Judges serve for life following Senate confirmation.

Power



- Marbury v. Madison established judicial review.
- Precedent (stare decisis) guides but does not perfectly bind.

Rights



- Bill of Rights and 14th Amendment protect liberty and equality.
- Cases like Brown and Gideon show these rights actively enforced.

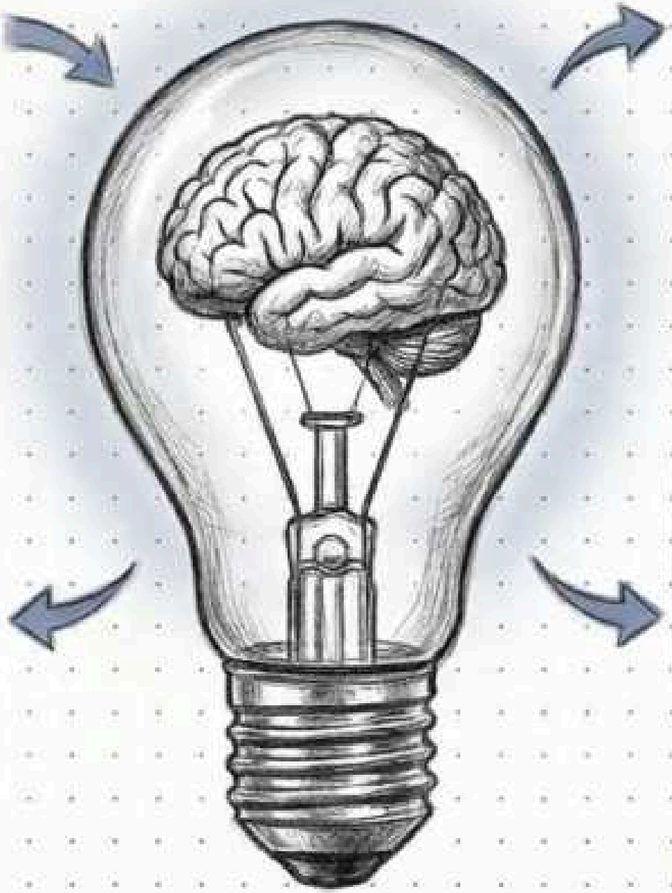
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Exhibit: ¶ 4.19

The Takeaway Challenge

The Democratic Dilemma

Judges are not elected, yet they can overturn laws passed by elected representatives. What are the strongest arguments for and against this arrangement?



The Counterfactual

Pick one famous case from today's lecture. Explain how it might have turned out differently under a different theory of interpretation (e.g., Originalism vs. Living Framework).

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Looking Ahead: Next Lecture

Exhibit: ¶ 4.20



End of Lecture 4.

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