**Fall 2022 Final Review**

**This test will be worth about 20% of your grade. If you do very well, I will count it for about 40%.**

**The only notes you may use for this test are your note taking sheets on the 1st Amendment and the Supreme Court on Crime and Punishment.**

**The final will be multiple choice and short answer (3-5 sentences). For the short answer questions I will ask you your opinion on a topic. For example, I might ask a question like *What is the most important civil rights issue in the US today?***

**I will ask you some questions about the movie you watched. I will not ask for specific names, so there is no need to bring notes. The list of films is [here](https://docs.google.com/document/d/1nXMK0s4Htf5kd71-ehHZeTn_SEGStiilupdrW7vdmGg/edit)**

**[Links to an external site.](https://docs.google.com/document/d/1nXMK0s4Htf5kd71-ehHZeTn_SEGStiilupdrW7vdmGg/edit)**

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**Please be familiar with the following:**

**The difference between civil rights and civil liberties**

Civil rights are not in the Bill of Rights; they deal with legal protections. For example, the right to vote is a civil right. Civil liberty, on the other hand, refers to personal freedoms protected from government intrusion such as those listed in the Bill of Rights.

**Examples of when civil liberties and civil rights are in conflict**

Colorado website case - liberties = freedom of speech and religion vs discrimination of the LBGTQ+ = civil rights

And and cake case a while back

Abortion issues about birth control and other things discriminating ????

Issues of hate symbols and the Fairfax swastika

**Current civil rights issues in the US**

BLM - police brutality

LGBTQ rights

Antisemitism

**Current civil liberties issues in the US**

Police searches under the 4th amendments

Freedom of speech and religion

Prisoners system

Abortion

**The difference between a criminal trial and a civil trial**

Civil is people against other people but criminal is people against the state/ government

Criminal trials are prosecuted by the state, while civil trials involve an individual plaintiff & a defendant. Even though criminal offenses are usually against one person (e.g., a murder, a rape, a theft), they are seen through the eyes of the law as an offense against society or the government.

**How a case makes it to the Supreme Court**

Generally, a case can reach the Supreme Court in one of three ways:

1. On appeal from a federal circuit court,

The most common way for a case to reach the Supreme Court is on appeal from a federal circuit court, which itself is a court of appeals. So one of the parties would be appealing the decision reached on appeal.

A party to a case who wants to appeal a decision of a federal circuit court files a petition to the Supreme Court for a writ of certiorari, or cert for short. “Certiorari” means “to inform” in Latin, which speaks to informing the Supreme Court that the party would like the circuit court’s decision to be reviewed.

Here, the Supreme Court can decide to get involved by accepting the case, or it can simply decline to hear the case, which would make the decision of the federal appellate court a final one, not reviewable elsewhere.

While voting in this election is something that is carried out by the states, there are many federal regulations and laws that can be brought into play, including federal regulations on fair voting, voter suppression and an almost infinite number of angles that could be raised by claimants in a federal court.

1. On appeal from a state supreme court.

A case can also make its way to the Supreme Court when one of the parties files an appeal from a state supreme court.

Each state has its own supreme court that is the final authority on state law. The vast majority of cases in any given state end there. Again, the Supreme Court is highly selective about any case it chooses to hear.

Could an election case come to the court from a state supreme court? Absolutely. In fact, this may be the most likely scenario

State supreme courts would be the ultimate decision makers in any vote-counting process scenario within the state. Imagine a case that challenges the propriety of vote-counting procedures and policies within a state begins to wind its way through state courts. Only in exigent or exceptional circumstances might the Supreme Court decide to review the decision of the state supreme court.

Again, it is worth noting that one way for the Supreme Court to ultimately decide a state voting issue would be not to take the case. The Supreme Court could reject the opportunity to review an ultimate decision of a state supreme court for a variety of reasons. The final result here would be that the decision of the state supreme court is the final law of the land and the state’s election count, procedures or processes would not get a federal review.

1. Through the Court’s original jurisdiction.

While this is by far the last common way for a case to reach the Supreme Court, there are election-related scenarios that could come into play in the next few days and weeks.

The concept of original jurisdiction means that rather than a case coming to the court via other courts (state supreme court or federal appellate court) the case begins at the Supreme Court.

Practically, what are the chances that the Supreme Court would pass up a chance to hear an election-deciding case in 2020?

Don’t fall into a trap here and think that because as of last week we now have a 6-3 conservative court that means it is an activist court just waiting to get involved in deciding the election.

In fact, the smart money might bet on this Supreme Court doing everything possible not to become embroiled in an election-deciding issue.

**Original vs appellate jurisdiction**

Original jurisdiction is a court in which a case is first heard while appellate jurisdiction is a court in which a case is heard on appeal from a lower court. The Supreme Court has appellate jurisdiction.

**How the current Supreme Court differs from the court five years ago**

The supreme court now has a conservative super majority due to Trump being able to appoint 3 justices. 1 replaced a democrat with a republican, one replaced a moderate with a republican and 1 replaced a republican with a republican.

**Recent cases of note and cases before the court this term (these questions will be very general)**

The supreme court is under scorn for overturning roe v. wade and there are some important cases

1. The Supreme Court will decide whether the proper test was used to decide if wetlands are “navigable waters” protected under the Clean Water Act. Details: An Idaho couple submitted a bid to build a home located near Priest Lake that the Environmental Protection Agency (EPA) deemed a protected wetland under the Clean Water Act.
2. The court will hear a voting rights case that [examines states' power in federal elections](https://www.axios.com/2022/06/30/supreme-court-case-state-federal-elections). What we're watching: The decision could allow state legislatures to set the rules for federal elections — even if they result in partisan gerrymandering or violate state constitutions.
3. The court will hear a case Tuesday that could further undermine the [Voting Rights Act](https://casetext.com/statute/united-states-code/title-52-voting-and-elections/subtitle-i-voting-rights/chapter-103-enforcement-of-voting-rights/section-10301-denial-or-abridgement-of-right-to-vote-on-account-of-race-or-color-through-voting-qualifications-or-prerequisites-establishment-of-violation) (VRA), which prohibits discrimination in voting. The ruling could impact how lawmakers in other states draw their congressional district maps. Details: The Supreme Court earlier this year halted a lower court order requiring Alabama to redraw its congressional districting maps, which will be used in the 2022 election. The lower court had ruled that the GOP-led state legislature's maps likely [violated](https://www.axios.com/alabama-congressional-map-rejected-by-judges-e209d817-02b4-4cb1-a3e3-a3a23cde4803.html) (VRA) by diluting Black voting power.
4. The court will consider a [pair of](https://www.axios.com/2022/01/24/supreme-court-affirmative-action-harvard-north-carolina) cases challenging the consideration of race in the college admissions processes. The ruling could decide the future of affirmative action in higher education. Details: Conservative nonprofit Students for Fair Admissions (SFFA) is appealing lower court rulings that upheld race-conscious admissions at Harvard University and the [University of North Carolina](https://www.axios.com/2021/10/19/university-north-carolina-conscious-admissions).
5. The court will hear a [free-speech case](https://www.axios.com/2022/02/22/supreme-court-colorado-lgbtq-discrimination) over the rights of a business owner with a religious objection to working with same-sex couples on their weddings. After the court previously [sided with a baker](https://www.axios.com/2018/06/04/supreme-court-masterpiece-cakeshop-decision) who objected to making cakes for same-sex weddings, this ruling could be a new battleground for LGBTQ rights.

**Problems in the criminal justice system**

Length of peoples sentences

Racial discrimination

Living conditions

Boy who was in jail for 3 years without going to trial - supposed to be 6 months

Trial by fire - man got executed and the “experts” did not have training

**The results of the November election and how it may change politics in 2023**

The democrats won the house

The republicans won the senate

House republicans may try to push more conservitive laws and ignore a lot of bills about clean energy

Also the fact that many election denyers were not elected helps