

## Lesson 1: The Constitutional Power and Role of the Judicial Branch

### Lesson Abstract:

Article III of the U.S. Constitution details the judicial branch of government. As the interpreter of the law, the judicial branch retains a separate and distinct power, yet employs the power of judicial review as a check on the power of the other branches. In order for the judicial branch to weigh in on an issue, the matter must meet the constitutional requirements of an actual case or controversy and the court must have jurisdiction to hear the case.

**Content Expectations:** C3.1.3; C3.1.5; C3.2.1, C3.2.2, C3.4.1

**Common Core State Standards for Literacy in History and Social Studies:** RH.9-10.2, 4, 5, 6, 8, 9, 10; WHST.9-10. 4, 9, 10

### Key Concepts:

- constitutional supremacy
- dual sovereignty
- independent judiciary
- judicial review
- jurisdiction
- rule of law
- trial/appellate/supreme courts

**Teacher Note:** The **Lesson 1 PowerPoint (Unit 5, Lesson 1)** is very detailed and designed to guide students as you walk through an examination of Article III.

### Lesson Sequence:

#### Introduction to the Judicial Branch and Judicial Power

1. Begin the lesson by displaying the document, “**Views on the Judicial Branch**” located in the *Supplemental Materials (Unit 5, Lesson 1)*. Have students use their Citizenship Notebook to reflect on the quotes and answer the following question in a “stop and jot”:
  - How does each quotation view the power and role of the judicial branch in the federal government?
  - How might the historical context have influenced each author's view about the judicial branch?
  - How might each author's perspective have influenced his views?Have students engage in a brief turn and talk with a partner to share their written answers.
2. Engage students in a whole class discussion using the Stop and Jot prompts from Step 1. During the discussion, be sure to remind students of Hamilton's and the Federalist Paper's role in the fight for the ratification of the Constitution, and Marshall's and *Marbury's* role in establishing judicial power, including judicial review (see *The Michigan Citizenship Collaborative Curriculum*, Civics and Government Unit 1, Lesson 5 and Unit 2, Lessons 1-3). Be sure to explain to students that Hamilton's purpose was to downplay the power of the courts so that people would not fear a stronger federal government. Marshall, however, used the case of *Marbury v. Madison* to

establish the Court's power as the head of a co-equal branch of the national government. As you discuss the quotes, briefly review and explain some basics about the judicial branch to the class by displaying the document "**The Judicial Branch and Constitutional Principles**," located in the *Supplemental Materials (Unit 5, Lesson 1)* [*italicized quotes omitted from document*]:

- Under the principle of separation of powers, the judicial branch as one of the three *co-equal, independent* branches created by the Constitution: the Congress in Article I, the presidency in Article II, the U.S. Supreme Court in Article III. *However, it was the last addressed and least debated branch at the Constitutional Convention.*
- The judicial branch operates under the same constitutional principles as the other branches. For example, it has its own main power— to interpret the laws, but that power is limited by the Constitution to certain types of cases. **Teacher Note:** The Constitution limits the judicial branch by both jurisdiction and the case and controversy requirements in section 2. The judicial branch checks and balances the other branches, which also check and balance it. Like everyone else, judicial branch officials must comply with the rule of law principle. Under the constitutional principle of federalism, there is a separate and parallel state judicial branch to which the federal judiciary relates in limited ways. [*These have been referenced earlier as the tools of limited government in Unit 2, Lesson 1.*]
- Still, as a co-equal, independent branch at the national level, the judicial branch, with the U.S. Supreme Court at its head, has its own role to play and powers to exercise in our constitutional system of government.

Conclude the review by telling students that their study of the judicial branch will begin with Article III of the Constitution, which creates the judicial branch and grants it limited power.

### **Analysis of Article III – The Independent Power of the Judicial Branch**

3. Have students locate Article III of the U.S. Constitution in their textbook. Then, distribute the chart, "**What Does Article III SAY About Judicial Branch Power?**" located in the *Supplemental Materials (Unit 5, Lesson 1)*. This chart contains a three-column graphic organizer, where the first column quotes clauses and phrases from Article III; the second column is for students' interpretations, inferences, conjectures, and questions about the meaning and purpose of the clause/phrase; and the third column is for students recording the explanation, purpose/significance, implication of the clause/phrase, together with related definitions. **Teacher Note:** Article III text and annotations can be found at <http://caselaw.lp.findlaw.com/data/constitution/article03/>. A "**Teacher Reference Guide**" can be found in the *Supplemental Materials (Unit 5, Lesson 1)*.

Address each of the sections one at a time using the following process:

- First have students in pairs read Article III, **Section 1**. As they read each quoted clause, have students individually complete the middle column for Section 1 quotations on their graphic organizer.
- Proceed quote by quote (row by row of the graphic organizer), eliciting students' responses from the completed second column and addressing student questions and misconceptions.
- Guide students in adding information to the third column using the "**Teacher Reference Sheet**" for the graphic organizer that is found in the *Supplemental Materials (Unit 5)*. Information for this Step can be found in the Lesson 1 PowerPoint Presentation on Slides 2-6.

During the discussion, be sure students understand the following:

- Section 1 creates directly only one court—an independent U.S. Supreme Court—at the top of an anticipated judicial branch.
- Section 1 grants the Supreme Court the *judicial power* of the federal government—that is, basically, the power to interpret laws.
- Under Section 1, Congress has the power to make inferior or “lower” courts that also have federal judicial power (usually subject to Supreme Court review).
- Section 1 establishes *judicial independence* by granting life-tenure to federal judges (including Supreme Court justices), whose compensation (pay) cannot be decreased during their term of office.

4. After discussing Section 1, have students consider the following questions, before moving to Article III, Section 2:
  - Can the justices of the Supreme Court or the judges of the federal courts exercise the “judicial power” anytime, anywhere, in any legal dispute?
  - Can they interpret and apply any law they wish?
  - How might the constitutional principles of limited government, rule of law, separation of powers or federalism affect your answer?
5. Next have students in pairs read Article III, Section 2, which is more detailed and so will take more time to address. Similar to the strategy used for Section 1, have students complete the middle column of the graphic organizer for the three rows of quotations from Section 2. Then proceed quote by quote (row by row of the graphic organizer), eliciting students’ responses from the completed second column and addressing student questions and misconceptions. Guide students in adding information to the third column using the “**Teacher Reference Sheet**” for the graphic organizer that is found in the *Supplemental Materials (Unit 5)*.

**Teacher Note:** The graphic organizer and related Teacher Reference Sheet are missing the text of Section 2, clause 1 concerning the two grounds for federal court jurisdiction that have been changed by the Eleventh Amendment (1795)—that is, those controversies “between a State and Citizens of another State” and “between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.”

During the discussion, be sure students understand the following:

- Section 2 specifies the *jurisdiction* of the judicial branch—that is, federal courts only have the legal power to interpret the law necessary to resolve certain kinds of legal disputes. By implication (as well as the Tenth Amendment), if jurisdiction (power) is *not* delegated to the federal courts in the Constitution, then it is reserved to the state courts.
- Section 2 thus grants *and* limits the exercise of judicial power by the U.S. Supreme Court and the other, lower federal courts Congress creates.
- Section 2 requires that federal courts only use their judicial power to resolve *cases* properly brought to the courts—that is, actual legal disputes (civil lawsuits and criminal charges) initiated by conflicting *parties* who have something real to lose or gain.
- Under Section 2, the federal courts’ jurisdiction depends upon the *subject matter* of a case (what kind of law the case is about) and the *parties* to the case (who is really in legal conflict and stands to win or lose).

- Under Section 2, the U.S. Supreme Court has *original jurisdiction* over those very rare cases involving states against each other or official representatives of foreign governments; these cases must start and have their initial trial in the Supreme Court.
- Much more important under Section 2, the U.S. Supreme Court has *appellate jurisdiction* over all other federal court and constitutional law cases. An *appeal* does not involve a trial, the presentation of evidence, or jury decisions. Instead, a group of judges (usually three, except in the Supreme Court where it is nine), reviews the record of the case in the lower court(s) to determine if the law was properly interpreted and applied, and if the proceedings were legal and fair. Thus, while almost all cases begin and have trials in lower courts, which have *original jurisdiction* in such cases, the last *appeal* possible lies in the Supreme Court. The Supreme Court makes the final and binding interpretation and application of law, which all lower courts must follow.

**Teacher Note:** Section 2 does provide that Congress may alter the Supreme Court's appellate jurisdiction, but the extent of that power to limit or even eliminate the Court's appellate jurisdiction is not clear. As a practical matter, Congress has used its power over time only to eliminate mandatory appeals to the Court, thereby leaving within the Court's discretion when to exercise its appellate jurisdiction. The graphic organizer and related Teacher Reference Sheet exclude the text of Section 2, clause 2 that provides Congress with this power.

6. Conclude this portion of the lesson by asking students what's missing from the analysis of Article III? Where is the courts' power of judicial review? Remind students of what that power entails if necessary. If Article III does not grant the power to the courts, where did it come from? Allow students to ponder these questions before moving to the next step of the lesson.

### **How *Marbury v. Madison* Established Judicial Review**

**Teacher Note:** This part of the lesson may be patterned on the analysis of the *McCulloch* and *Gibbons* in MC3 Unit 2, Lesson 3. The emphasis, however, should focus on Marshall's judicial jujitsu - that is, *how* he solved a political dilemma using the "judicial power" to boot-strap the Court into the first use of judicial review against a congressional act, ironically, in effect expanding the Court's power by purporting to limit it.

7. Distribute the summary of ***Marbury v. Madison***, located in the *Supplemental Materials (Unit 5, Lesson 1)*. This version includes a description of political background, as well as the facts of the case, the issues for decision, and the Court's opinion and rationale. Also distribute the "**Case Analysis**" graphic organizer located in the *Supplemental Materials (Unit 5, Lesson 1)* (*note that this document has three pages to it*). Remind students about the Supreme Court's original and appellate jurisdiction under Article III, as well as the two quotations with which the lesson began.
8. Explain the chart to students, noting what kind of information from the case belongs in each column of the graphic organizer—(1) case facts, (2) government action(s) and constitutional provision(s) involved, and (3) court decision and rationale. Then, with an overhead of the case summary, use a "Think Aloud" strategy to model how to explore a case. In a Think Aloud, the reader (in this case the teacher) makes his/her thinking visible by talking about what they read and expressing what he/she is thinking as they read. While "reading with pen in hand," mark the case

summary overhead with three different colors or symbols to indicate information for each of the three columns of the graphic organizer. Talk students through your thoughts as you mark up the first two paragraphs.

9. Place students in pairs and point out the stop signs throughout the reading. Instruct students to read each chunk of text, stopping to talk with their partner and add to their chart after each chunk. It is recommended to keep students on task by giving them no more than a few minutes to read, discuss, and write about each chunk of text. At the end of the text, have the pairs combine into groups of four to compare their charts.
10. Elicit student responses to complete the three columns of the graphic organizer with the class, using the **“Teacher Reference Sheet”** version of the graphic organizer found in the *Supplemental Materials (Unit 5, Lesson 1)* as a guide. The same information can be found in **the Lesson 1 PowerPoint Presentation**, on Slide 22. Be sure to sum up the significance of Chief Justice John Marshall’s decision for the Court by emphasizing the following points:
  - Marshall solved a political dilemma threatening the authority of the Court.
  - Marshall used the accepted “judicial power” under the Constitution to “boot-strap” the Court into its first use of judicial review to void a congressional act; in effect, Marshall expanded the Court’s power by purporting to limit it.
  - The *Marbury* decision established judicial review as a major component of the Court’s judicial power.

### **Breadth and Effect of Judicial Review**

**Teacher Note:** The purpose of this portion of the lesson is to demonstrate to students how wide the Supreme Court’s power of judicial review reaches. By investigating a wide array of cases on which the Court has ruled, students will gain a better understanding of the scope and reach of the judicial branch. It is not the intent that students memorize the precedent set in each case.

11. Next, pose the following questions to the class: How has the Court used judicial review since *Marbury*? How expansive is the power of judicial review? Does it have any limits? Allow students a few minutes to reflect on this question and record their thoughts in their Citizenship Notebook. After eliciting a few responses, explain to students that they will be reviewing court cases to better help them answer these questions. Let students know they will be returning to these questions later in the lesson after the class explores several cases. (This step is outlined on Slide 23).
12. Engage students in a jigsaw activity. Start by dividing students into groups of four. Distribute the case summaries located in the *Supplemental Materials (Unit 5, Lesson 1)* to the class, making sure each member of a group has a different case. Allow time for students to read through their assigned case. Then have students find one or two other students in the class that have been assigned to the same case. Instruct students to use the graphic organizer they completed with *Marbury v. Madison* to fill out the columns for their assigned case in the next row. Allow time for students in this second grouping to complete the graphic organizer for their case. The cases are listed below:
  - Case 1: *Miranda v. Arizona*, 1966
  - Case 2: *Bush v. Gore*, 2000

- Case 3: Baker v. Carr, 1962
- Case 4: Vernonia School District v. Acton, 1995
- Case 5: Mapp v. Ohio, 1961
- Case 6: Grutter v. Bollinger (and companion case Gratz v. Bollinger), 2003
- Case 7: Caperton v. A.T. Massey Coal Co., 2009
- Case 8: Texas v. Johnson, 1989
- Case 9: California v. Greenwood, 1988
- Case 10: United States v. Nixon, 1974
- Case 11: Youngstown Sheet & Tube Co. v. Sawyer, 1952
- Case 12: United States v. Lopez, 1995

**Teacher Note:** Cases 2, 3, 6, 10, and 11 are most challenging; cases 5, 7, 8, and 12 are moderately difficult; and cases 1, 4, and 9 are the easiest. Distribute cases to appropriately reflect the skill and reading level of students.

13. Have students return to their original groups of four. Each member of this group is responsible for explaining his/her case to the other group members. The other group members should record the presented information on their graphic organizers. Once all presentations within the original groups are completed, students should have four cases summarized on the graphic organizer (in addition to *Marbury*).
14. Review the cases with the class using the “**Teacher Reference Sheet**” version of the graphic organizer, found in the *Supplemental Materials (Unit 5, Lesson 1)* as a guide to check that students have correctly completed their graphic organizer for those cases their respective groups reviewed and discussed. This same information can be found in the Lesson 1 PowerPoint Presentation on Slides 24-35. As you discuss each case, guide students to the “government action or constitutional topic” being addressed. List each on the board as each case is discussed. Use the list below to help guide students’ thinking about the reach of the Supreme Court:
- Case 1: Miranda v. Arizona, 1966 – rights of accused, confessions when in custody (Fifth and Sixth Amendments)
  - Case 2: Bush v. Gore, 2000 – elections; recounting votes of a presidential election (Equal Protection under Fourteenth Amendment)
  - Case 3: Baker v. Carr, 1962 – state law redrawing congressional districts when the challenge is based on the Constitution (Equal Protection under Fourteenth Amendment)
  - Case 4: Vernonia School District v. Acton, 1995 – school policy of random drug tests (Fourth Amendment)
  - Case 5: Mapp v. Ohio, 1961 – use of evidence in a state court that was found in an illegal search (Fourth Amendment)
  - Case 6: Grutter v. Bollinger (and companion case Gratz v. Bollinger), 2003 – affirmative action policies at undergraduate and graduate schools (University of Michigan) (Equal Protection under Fourteenth Amendment)
  - Case 7: Caperton v. A.T. Massey Coal Co., 2009 – due process challenge to state judge ability to hear a case (Due Process under Fourteenth Amendment)
  - Case 8: Texas v. Johnson, 1989 – flag burning; freedom of expression (First Amendment)
  - Case 9: California v. Greenwood, 1988 – police search of trash (Fourth Amendment)

- Case 10: *United States v. Nixon*, 1974 -- presidential privilege; what the president can do, separation of powers
- Case 11: *Youngstown Sheet & Tube Co. v. Sawyer*, 1952 – president seizure of steel mills (private property) during wartime (Fifth Amendment)
- Case 12: *United States v. Lopez*, 1995 – The federal government (Congress's) authority to pass laws regarding carrying guns near schools (Commerce Clause and Tenth Amendment)

15. After discussing each case, have students reflect about the list on the board. Use the following questions listed on Slide 36 to guide your discussion:

- What provisions of the Constitution has the Court interpreted in applying judicial review?
- What parts and levels of government have subjected to judicial review?
- What types of government action has judicial review affected? How?
- What kinds of people or organizations has judicial review affected? How?
- How could one describe the scope of judicial review based on these examples?
- Given the breadth of judicial review shown by these examples, which branch of the federal government is the most powerful? Why?

**How Powerful is a Supreme Court with Judicial Review?** Students will conclude this lesson by considering this irony in the context of the controversial U.S. Supreme Court decision in *Citizens United v. FEC* (2010).

16. Point out to students an irony of our constitutional system:

With judicial review, unelected, life-term federal judges have the final responsibility for “protecting” the Constitution (and therefore the people) from government abuse of power and rights; but using judicial review, those same unelected, life-term federal judges exercise the final authority over what democratically elected branches and levels of government can and cannot do, even when they are responding to the popular will.

As Justice Charles Evans Hughes put it: “We are under a Constitution, but the Constitution is what the judges say it is.”

17. Organize students in pairs. Distribute to each pair two copies of the case summary entitled “***Citizens United v. Federal Election Commission (2010)***,” located in the *Supplemental Materials (Unit 5, Lesson 1)*. Both partners should read the case summary and then discuss the opinions represented in the summary to ensure that both have the same basic understanding of the case. Briefly review the case summary and question the class to ensure a common understanding (adapt the same format as previously used in the case summary graphic organizers to frame the case review and questions). A **Teacher’s Reference Sheet** is located in the *Supplemental Materials (Unit 5, Lesson 1)*.

18. Distribute one copy of “**Commentary # 1**” and “**Commentary #2**,” from the *Supplemental Materials (Unit 5, Lesson 1)* to each pair. Each student should then read one of the commentaries and write a summary of the author’s argument in at least one full paragraph. Direct partners to

exchange their respective commentaries and summaries. Have each student review their partner's commentary and summary. Reviewers should ask questions for clarification and offer suggestions for improving the summary. This may be assigned as homework.

19. Now engage students in a fishbowl discussion about the case and the commentaries using the following questions:

- How does the Court majority's use of judicial review go against the actions of the elected branches? Is this justifiable under the circumstances? Why or why not?
- How does the Court majority's use of judicial review eliminate government restrictions on political speech? Is this justifiable under the circumstances? Why or why not?
- Does the Court majority's use of judicial review protect or harm the democratic nature of elections and the freedom of speech? Why or why not?
- Which opinion of the Court—the majority opinion or the principal dissenting opinion—makes the better or more persuasive argument about the use of judicial review in the case? Why?
- Which commentary makes the better or more persuasive argument about the Court majority's decision? Why? What evidence does each author use to support his or her claim?
- Should the Court consider the likely effects of its use of judicial review? Why or why not?

**Teacher Note:** To set up the fishbowl, arrange the class with six seats in the center of the room and the remainder of the seats around the perimeter of the inner circle. Have six students engage in an in-depth discussion, starting with the first question posted. During the discussion, record some of the more insightful student answers or ideas on the board and see if the class can amend or elaborate upon these responses. Encourage students on the outside of the fishbowl to join in the discussion by tapping and replacing students from the inner group once they have made at least three statements. Guide students through the discussion questions as their answers become exhaustive.

20. Conclude the lesson by having students return to their initial thoughts about judicial review in their Citizenship Notebook. Have them read their initial thoughts and think about how what they just learned challenged, extended, or modified their thinking. Then, have students answer the questions again, this time using evidence from the lesson. Give students time to respond in writing to the questions or assign it as homework.

- How has the Court used judicial review since *Marbury*?
- How expansive is the power of judicial review? Does it have any limits?

Have students extend their thinking to include the *Citizens United* case by adding the following question:

- Is the Supreme Court's decision in *Citizens United* an example of the proper or improper use of judicial review to void congressional and executive branch actions? Why?

## Assessment

The writing in Step 20 can serve as an assessment for this lesson.



## Reference Section

### Content Expectations

- C3.1.3:** Analyze the purposes, organization, functions, and process of the judicial branch as enumerated in Article III of the Constitution.
- C3.1.5:** Use case studies or examples to examine tensions between the three branches of government (e.g., powers of purse and impeachment, advise and consent, veto power, and judicial review).
- C3.2.1:** Explain how the principles of enumerated powers, federalism, separation of powers, bicameralism, checks and balances, republicanism, rule of law, individual rights, inalienable rights, separation of church and state, and popular sovereignty serve to limit the power of government.
- C3.2.2:** Use court cases to explain how the Constitution is maintained as the supreme law of the land (e.g., *Marbury v. Madison*, *Gibbons v. Ogden*, *McCulloch v. Maryland*).
- C3.4.1:** Explain why the rule of law has a central place in American society (e.g., Supreme Court cases like *Marbury v. Madison*, *US v. Nixon*; practices such as submitting bills to legal counsel to ensure congressional compliance with the law).

### Common Core State Standards for Literacy in History and Social Studies

- RH.9-10.2:** Determine the central ideas or information of a primary or secondary source; provide an accurate summary of how key events or ideas develop over the course of the text.
- RH.9-10.4:** Determine the meaning of words and phrases as they are used in a text, including vocabulary describing political, social, or economic aspects of history/social studies.
- RH.9-10.5:** Analyze how a text uses structure to emphasize key points or advance an explanation or analysis.
- RH.9-10.6:** Compare the point of view of two or more authors for how they treat the same or similar topics, including which details they include and emphasize in their respective accounts.
- RH.9-10.8:** Assess the extent to which the reasoning and evidence in a text support the author's claim.
- RH.9-10.9:** Compare and contrast treatments of the same topic in several primary and secondary sources.
- RH.9-10.10:** By the end of grade 10, read and comprehend history/social studies texts in the grades 9-10 text complexity band independently and proficiently.
- WHST.9-10.4:** Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.

*WHST.9-10.9:* Draw evidence from informational texts to support analysis, reflection, and research.

*WHST.9-10.10:* Write routinely over extended time frames (time for reflection and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.

### **Instructional Resources**

#### Equipment/Manipulative

Computer with Internet Access and Projector

#### Student Resource

Sherman, Paul. "Citizens United Decision Means More Free Speech." *Bench Memos*. National Review Online. 22 January 2010. 7 Jan. 2013 <<http://www.nationalreview.com/bench-memos/49332/citizens-united-decision-means-more-free-speech/paul-sherman>>

"The Court's Blow to Democracy." New York Times Editorial. New York Times. 22 Jan. 2010. 7 Jan. 2013 <<http://www.nytimes.com/2010/01/22/opinion/22fri1.html>>.

U.S. Constitution, Article III. Findlaw. 2012. 7 Jan. 2013  
<<http://caselaw.lp.findlaw.com/data/constitution/article03/>>.

Zuschlag, Dirk. *Supplemental Materials (Unit 5, Lesson 1)*. Teacher-made materials. Oakland Schools. 2012.

- - -. *PowerPoint (Unit 5, Lesson 1)*. Teacher-made materials. Oakland Schools. 2012.

#### Teacher Resource

*Baker v. Carr – Case Brief Summary*. Lawnix. 7 Jan. 2013 <<http://www.lawnix.com/cases/baker-carr.html>>.

*Baker v. Carr – Significance*. Law Library. American Law and Legal Information. 7 Jan. 2013  
<<http://law.jrank.org/pages/24894/Baker-v-Carr-Significance.html>>.

*Bush v. Gore*. Oyez. U.S. Supreme Court Media. 7 Jan. 2013 <[http://www.oyez.org/cases/2000-2009/2000/2000\\_00\\_949/](http://www.oyez.org/cases/2000-2009/2000/2000_00_949/)>.

*Bush v. Palm Beach County Canvassing Board*. Oyez. U.S. Supreme Court Media. 7 Jan. 2013  
<[http://www.oyez.org/cases/2000-2009/2000/2000\\_00\\_836/](http://www.oyez.org/cases/2000-2009/2000/2000_00_836/)>.

California v. Greenwood. Findlaw. 7 Jan. 2013 <<http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=US&vol=486&invol=35>>.

*California v. Greenwood*. Oyez. U.S. Supreme Court Media. 7 Jan. 2013  
<[http://www.oyez.org/cases/1980-1989/1987/1987\\_86\\_684/](http://www.oyez.org/cases/1980-1989/1987/1987_86_684/)>.

*Caperton v. A.T. Massey Coal Co., Inc.* Oyez. U.S. Supreme Court Media. 7 Jan. 2013  
<[http://www.oyez.org/cases/2000-2009/2008/2008\\_08\\_22](http://www.oyez.org/cases/2000-2009/2008/2008_08_22)>.

*Caperton v. Massey.* Brennan Center for Justice. New York University School of Law. 8 June 2009. 7 Jan. 2013 <[http://www.brennancenter.org/content/resource/caperton\\_v\\_massey/](http://www.brennancenter.org/content/resource/caperton_v_massey/)>.

*Citizens United v. Federal Election Commission Syllabus.* Legal Information Institute. Cornell University Law School. 7 Jan. 2013 <<http://www.law.cornell.edu/supct/html/08-205.ZS.html>>.

*Citizens United v. Federal Election Commission.* Oyez. U.S. Supreme Court Media. 7 Jan. 2013  
<[http://www.oyez.org/cases/2000-2009/2008/2008\\_08\\_205](http://www.oyez.org/cases/2000-2009/2008/2008_08_205)>.

*Grutter v. Bollinger.* Duke Law School. 7 Jan. 2013  
<<http://www.law.duke.edu/publiclaw/supremecourtonline/certgrants/2002/gruvbol.html>>.

Hamilton, Alexander. *The Federalist* No. 78 (1788). 7 Jan. 2013  
<<http://www.constitution.org/fed/federa78.htm>>.

*Mapp v. Ohio: Background Summary and Questions.* Landmark Cases of the Supreme Court. Street Law and the Supreme Court Historical Society. 7 Jan. 2013  
<<http://www.streetlaw.org/en/Page.Landmark.Mapp.background.two.aspx>>.

*Mapp v. Ohio: Summary of the Decision.* Landmark Cases of the Supreme Court. Street Law and the Supreme Court Historical Society. 13 June 2012  
<<http://www.streetlaw.org/en/Page.Landmark.Mapp.decision.summary.aspx>>.

*Marbury v. Madison: Background Summary and Questions.* Landmark Cases of the Supreme Court. Street Law and the Supreme Court Historical Society. 7 Jan. 2013  
<<http://www.streetlaw.org/en/Page.Landmark.Marbury.background.two.aspx>>.

*Marbury v. Madison: Summary of the Decision.* Landmark Cases of the Supreme Court. Street Law and the Supreme Court Historical Society. 7 Jan. 2013  
<<http://www.streetlaw.org/en/Page.aspx?p=Landmark.Marbury.decision.summary>>.

*Miranda v. Arizona: Background Summary and Questions.* Landmark Cases of the Supreme Court. Street Law and the Supreme Court Historical Society. 7 Jan. 2013  
<<http://www.streetlaw.org/en/Page.Landmark.Miranda.background.three.aspx>>.

*Miranda v. Arizona: Summary of the Decision.* Landmark Cases of the Supreme Court. Street Law and the Supreme Court Historical Society. 7 Jan. 2013  
<<http://www.streetlaw.org/en/Page.Landmark.Miranda.decision.summary.aspx>>.

Padfield, Stefan. "Citizens United And the Nexus-Of-Contracts Presumption." Harvard Business Law Review. 18 Jan. 2011. 7 Jan. 2013 <<http://www.hblr.org/2011/01/citizens-united-and-the-nexus-of-contracts-presumption/>>.

*Split Ruling on Affirmative Action*. NPR. 23 June 2003. 7 Jan. 2013  
<<http://www.npr.org/news/specials/michigan/index.html>>.

*Texas v. Johnson*. Oyez. U.S. Supreme Court Media. 7 Jan. 2013 [http://www.oyez.org/cases/1980-1989/1988/1988\\_88\\_155](http://www.oyez.org/cases/1980-1989/1988/1988_88_155)

*Texas v. Johnson: Background Summary and Questions*. Landmark Cases of the Supreme Court. Street Law and the Supreme Court Historical Society. 7 Jan. 2013  
<<http://www.streetlaw.org/en/Page.Landmark.Johnson.background.three.aspx>>.

*Texas v. Johnson: Summary of the Decision*. Landmark Cases of the Supreme Court. Street Law and the Supreme Court Historical Society. 7 Jan. 2013  
<http://www.streetlaw.org/en/Page.Landmark.Johnson.decision.summary.aspx>

*United States v. Lopez*. Bill of Rights Institute. 7 Jan. 2013  
<<http://billofrightsinstitute.org/resources/educator-resources/lessons-plans/landmark-cases-and-the-constitution/us-v-lopez-1995/12>>.

*United States v. Nixon: Background Summary and Questions*. Landmark Cases of the Supreme Court. Street Law and the Supreme Court Historical Society. 7 Jan. 2013  
<<http://www.streetlaw.org/en/Page.Landmark.Nixon.background.one.aspx>>.

*United States v. Nixon: Summary of the Decision*. Landmark Cases of the Supreme Court. Street Law and the Supreme Court Historical Society. 7 Jan. 2013  
<<http://www.streetlaw.org/en/Page.Landmark.Nixon.decision.summary.aspx>>.

*Vernonia School District v. Acton*. FindLaw. 7 Jan. 2013 <<http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=US&vol=000&invol=U10263>>.

*Vernonia School District v. Acton*. Oyez. U.S. Supreme Court Media. 7 Jan. 2013  
<[http://www.oyez.org/cases/1990-1999/1994/1994\\_94\\_590](http://www.oyez.org/cases/1990-1999/1994/1994_94_590)>.

*Vernonia School District v. Acton*. University of Missouri-Kansas City School of Law. 7 Jan. 2013  
<<http://www.law.umkc.edu/faculty/projects/ftrials/conlaw/veronia.html>>.

*Youngston Sheet and Tube Co. v. Sawyer*. The Free Dictionary. Farlex. 7 Jan. 2013 <http://legal-dictionary.thefreedictionary.com/Steel+Seizure+Case>>.