

The U.S. Citizenship Test As a Window into Advanced Civics

Osher Lifelong Learning Institute (OLLI)
at Vanderbilt
Fall Term 2022

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The Judiciary



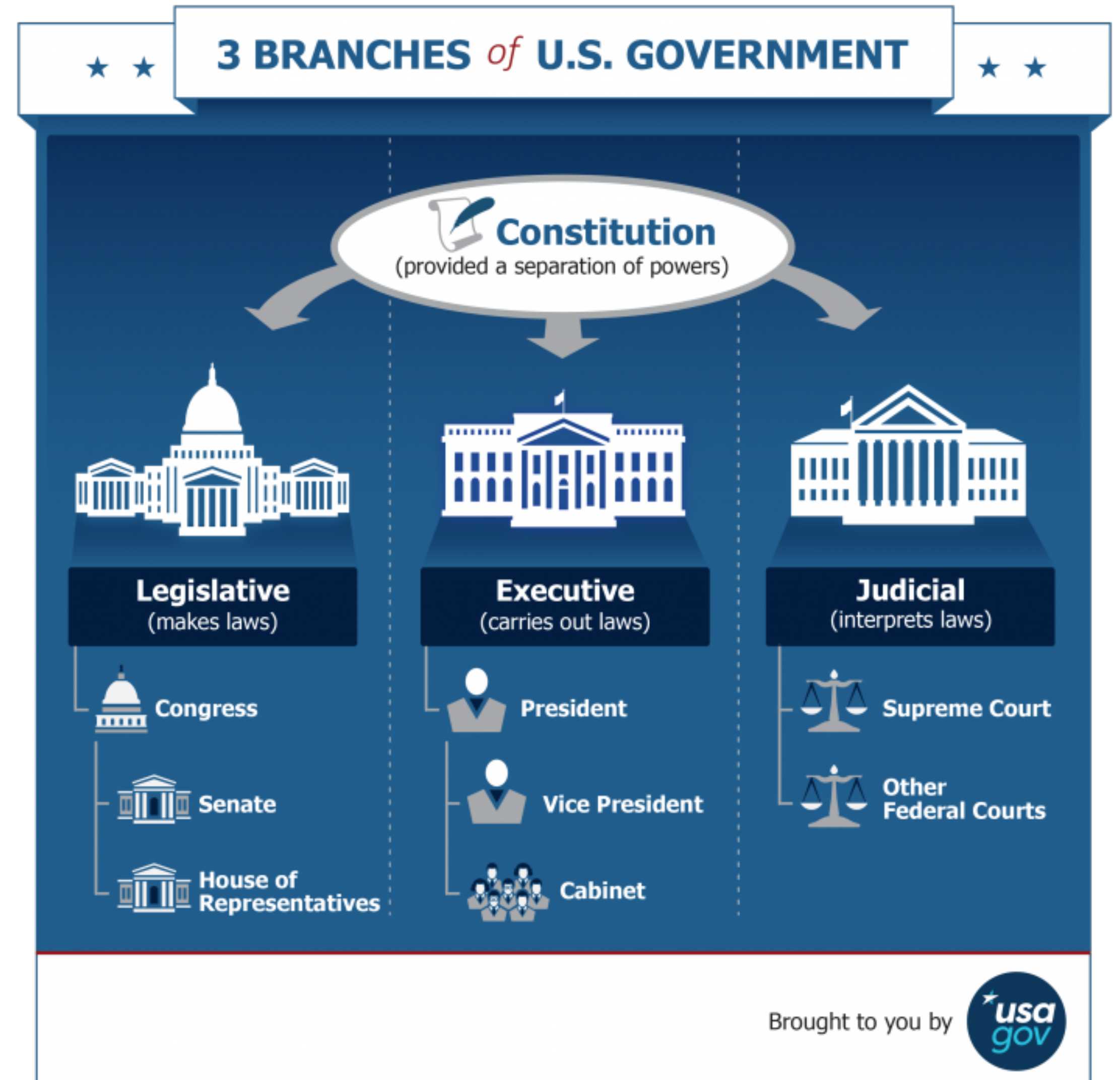
I. History of the Common Law

- a. New court decisions are added to common law
- b. Common law becomes precedent
- c. Principle of Stare Decisis (“Let the Decision Stand”) says that the precedent should be followed



II. Constitution (Article III, Sect.1)

- a. establishes Supreme Court
- b. provides for such lower courts as Congress shall establish
- c. Judiciary Act of 1789 established federal court system



III. Structure of Federal Court System

a. U.S. District Courts

b. 11 Circuit Courts of Appeal plus D.C. Circuit

c. U.S. Supreme Court



Supreme Court

- Highest court in the federal system
- Nine Justices, meeting in Washington, D.C.
- Appeals jurisdiction through *certiorari* process
- Limited original jurisdiction over some cases



Courts of Appeal

- Intermediate level in the federal system
- 12 regional "circuit" courts, including D.C. Circuit
- No original jurisdiction; strictly appellate



District Courts

- Lowest level in the federal system
- 94 judicial districts in 50 states & territories
 - No appellate jurisdiction
- Original jurisdiction over most cases

IV. Federal Court Jurisdiction

- a. Diversity Jurisdiction - Dispute between citizens of 2 states that exceeds \$75,000
- b. U.S. is a party
- c. A federal law is the basis of the lawsuit

V. The Supreme Court

- a. President appoints with Senate approval
- b. John Jay - 1st Chief Justice
- c. John Roberts - current Chief Justice
- d. A Little History
- e. Dissenting and Concurring Opinions

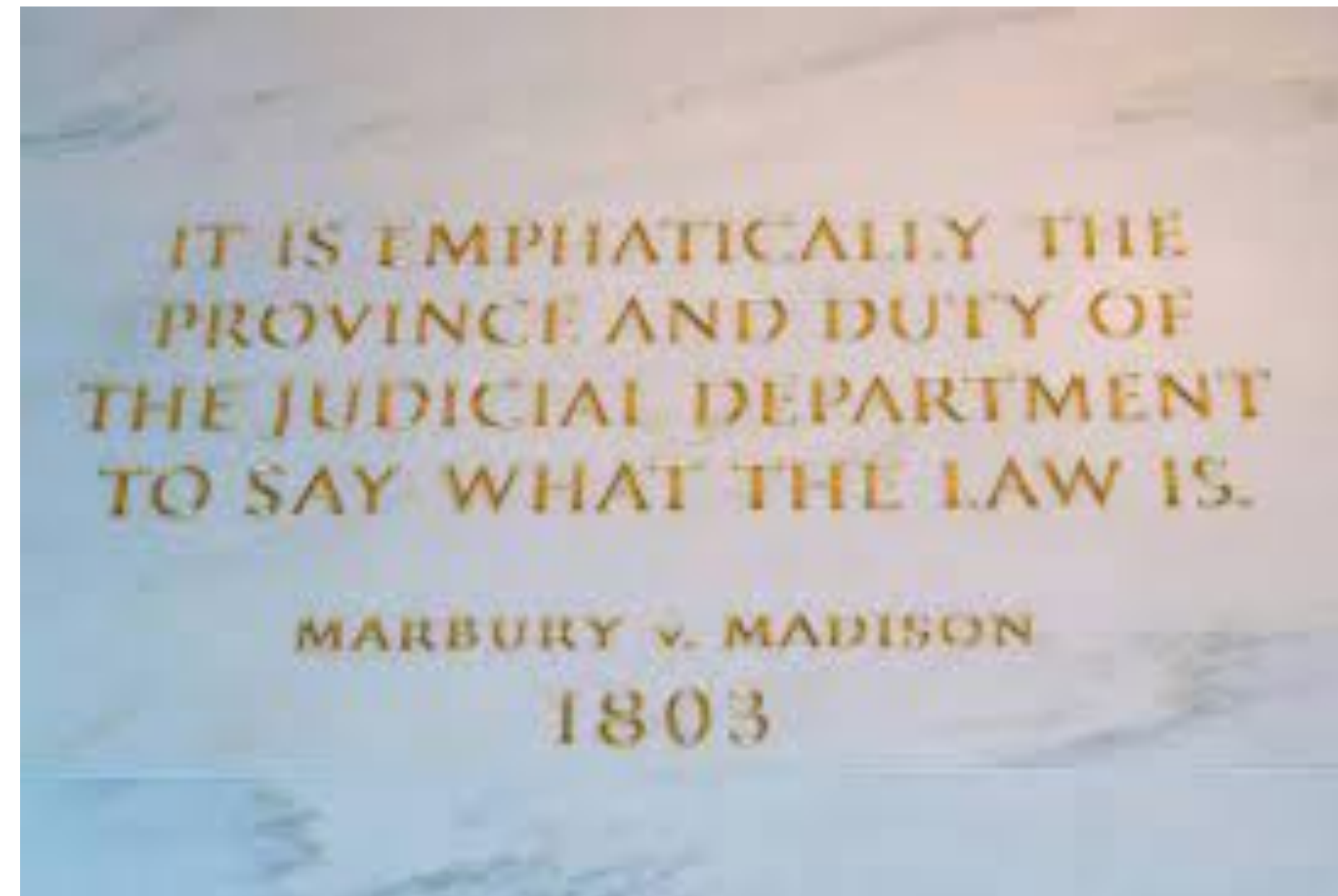


VI. Judicial Philosophies of Constitutional Interpretation

- a. Judicial Restraint
- b. Judicial Activism

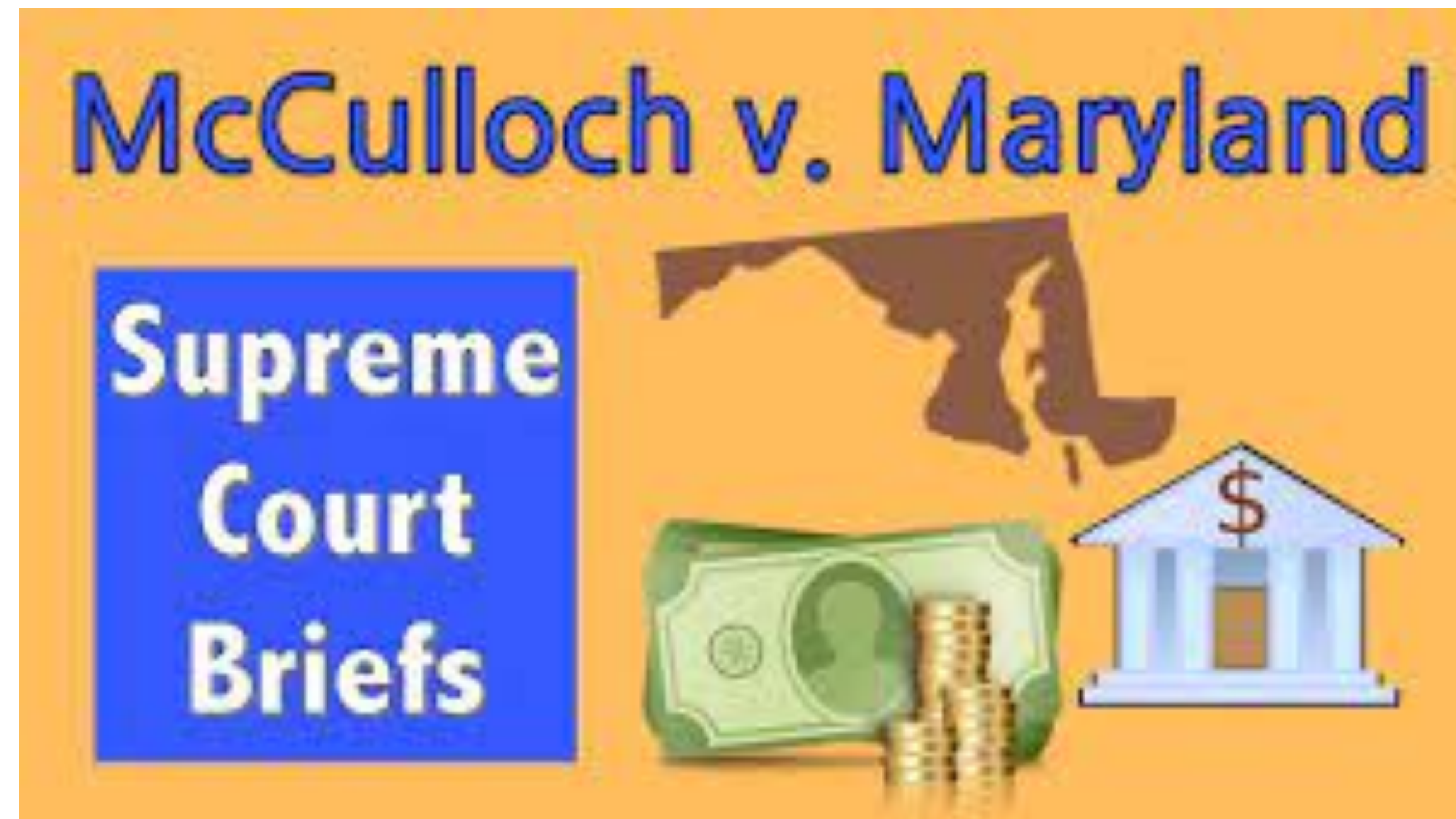


VII. Significant US Supreme Court Cases



- a. Marbury v. Madison (1803) (judicial review)

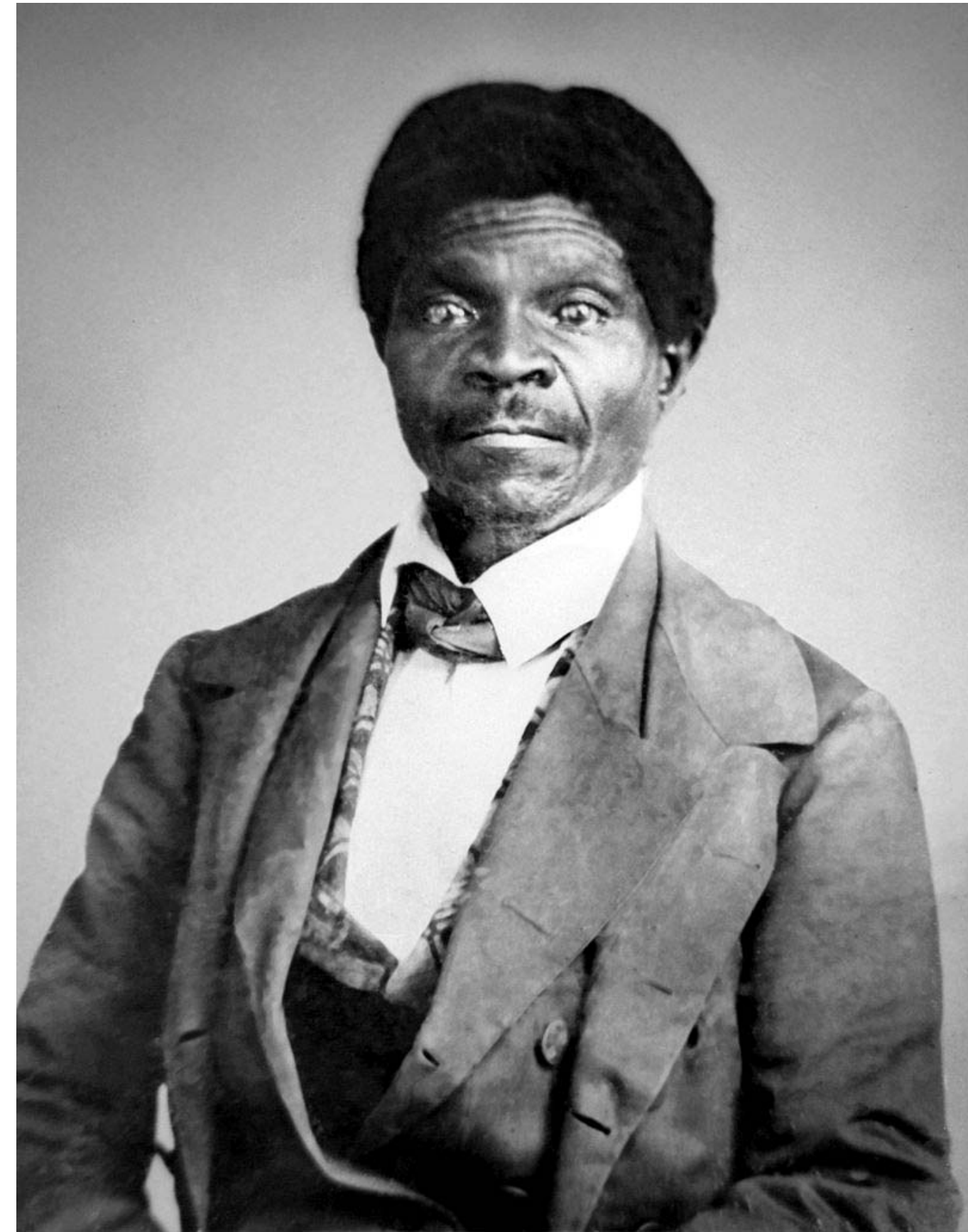
VII. Significant US Supreme Court Cases - Continued



b. McCulloch v. Maryland (1819)
(Federal Government's right to establish national bank)

VII. Significant US Supreme Court Cases - Continued

c. Dred Scott v. Sanford (1857)
(slaves have no constitutional rights)



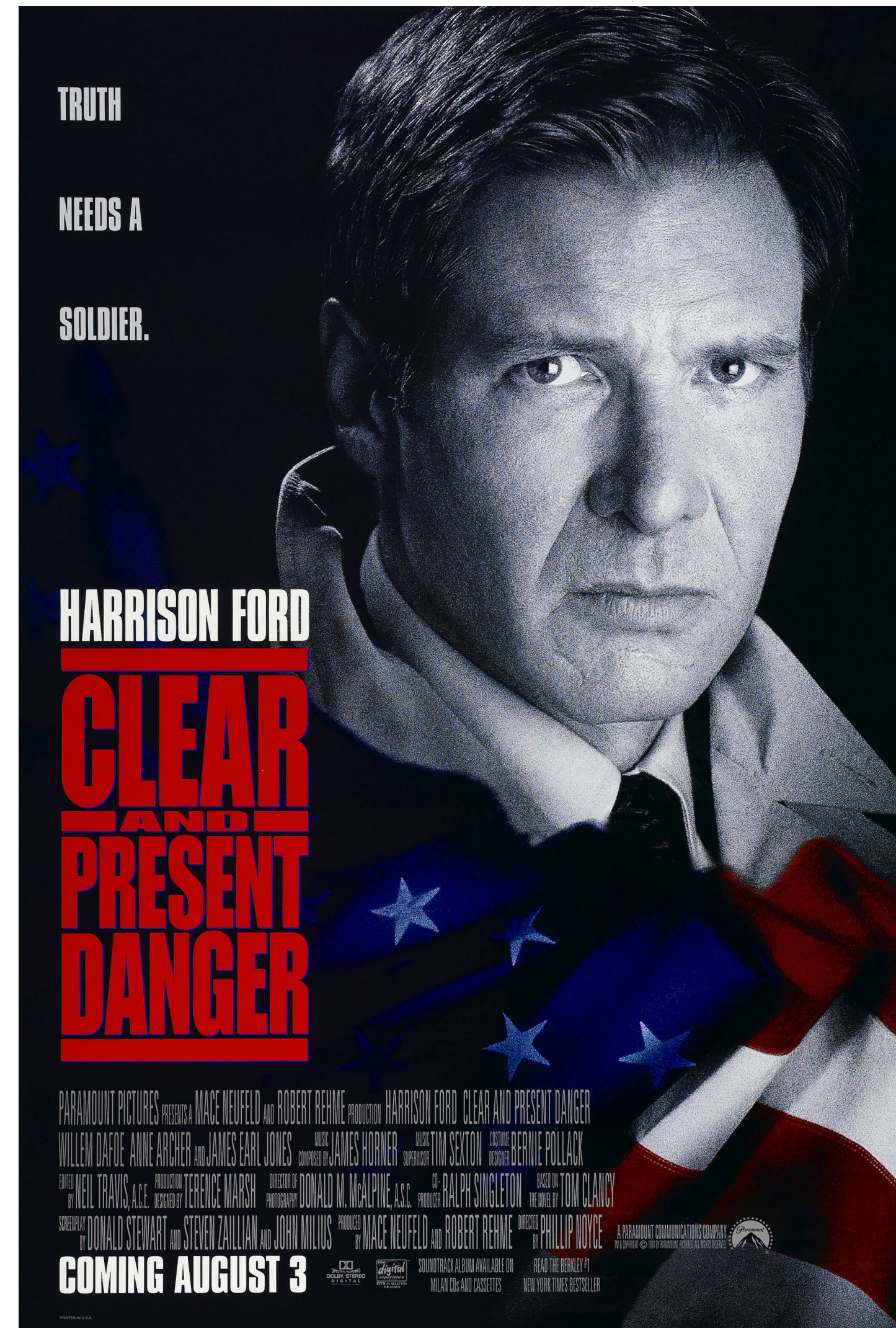
VII. Significant US Supreme Court Cases - Continued



d. Plessy v. Ferguson (1896)
(upheld segregation)

VII. Significant US Supreme Court Cases - Continued

e. Schenck v. United States (1919)
(Espionage Act of 1917)



VII. Significant US Supreme Court Cases - Continued



f. Brown v. Board of Education (1954)
(struck down segregation)

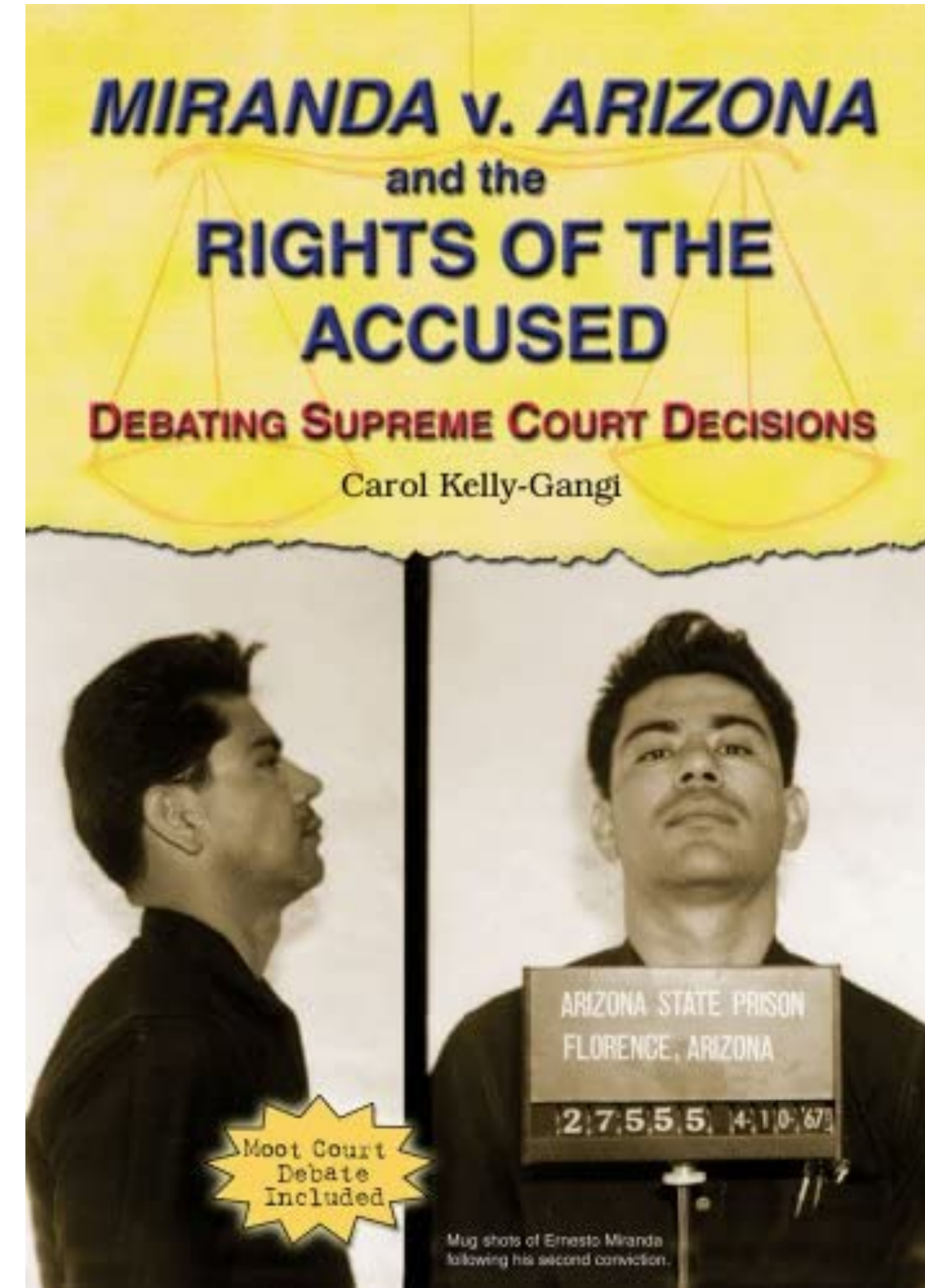
VII. Significant US Supreme Court Cases - Continued



g. Baker v. Carr (1962)
("One Man, One Vote")

VII. Significant US Supreme Court Cases - Continued

h. Miranda v. Arizona (1966)
(Miranda warnings)



VII. Significant US Supreme Court Cases - Continued

i. Roe v. Wade (abortion rights)



VII. Significant US Supreme Court Cases - Continued



j. Obergefell v. Hodges (same sex marriage)

VII. Significant US Supreme Court Cases - Continued



k. *Dobbs v. Jackson Women's Health Organization*
(no right of privacy)

VII. Significant US Supreme Court Cases - Continued



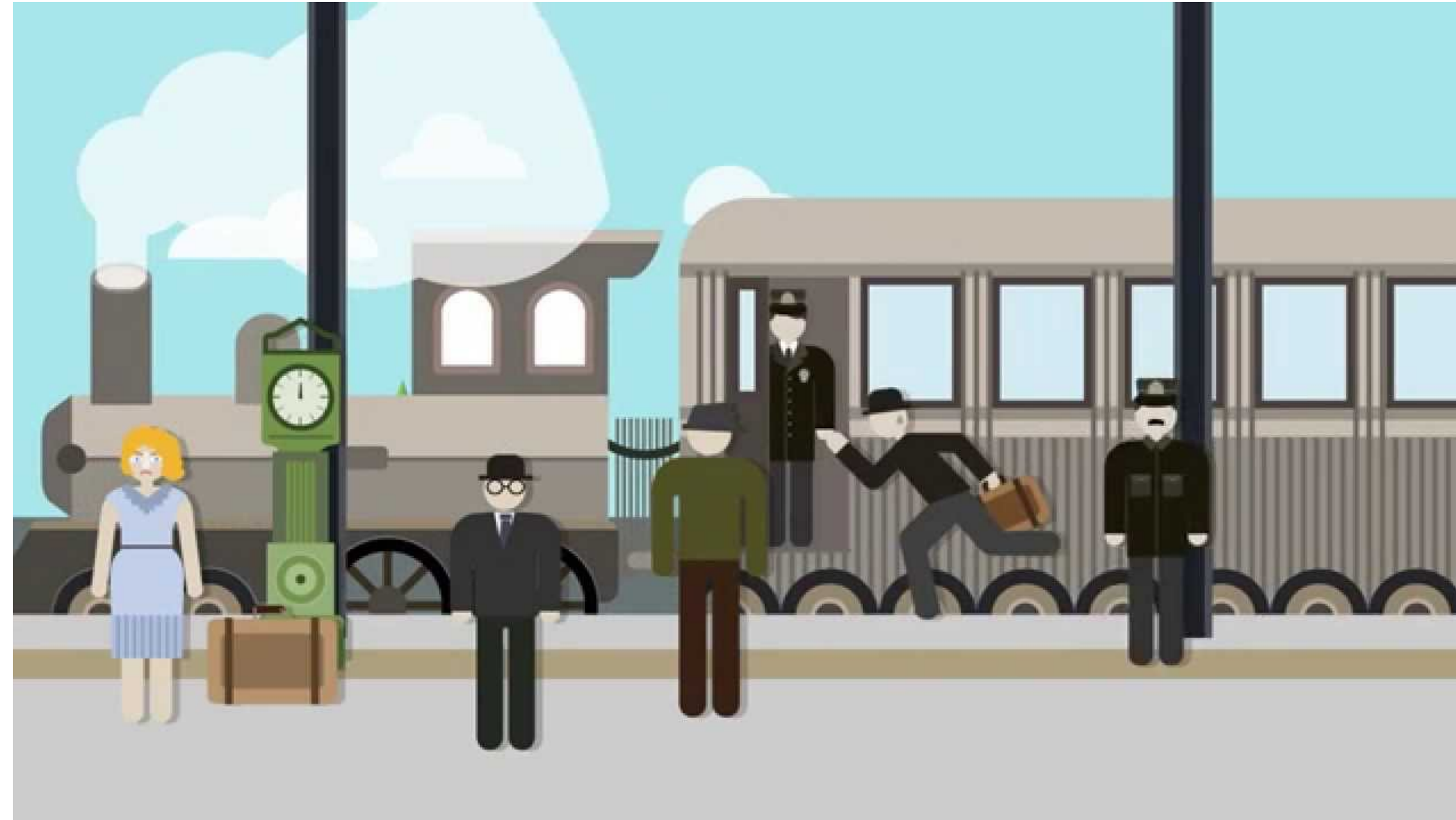
1. *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College* (Asian Americans against Harvard and UNC, Affirmative Action)

VII. Significant US Supreme Court Cases - Continued



m. 303 Creative v. Elenis
(Freedom of Speech v. Colorado Anti-Discrimination Law)

VIII. Other Classic Cases



a. *Plasgraf v. Long Island R.R.* (negligence - proximate cause)

VIII. Other Classic Cases - Continued

b. Carbolic Smoke Ball Case (contracts)

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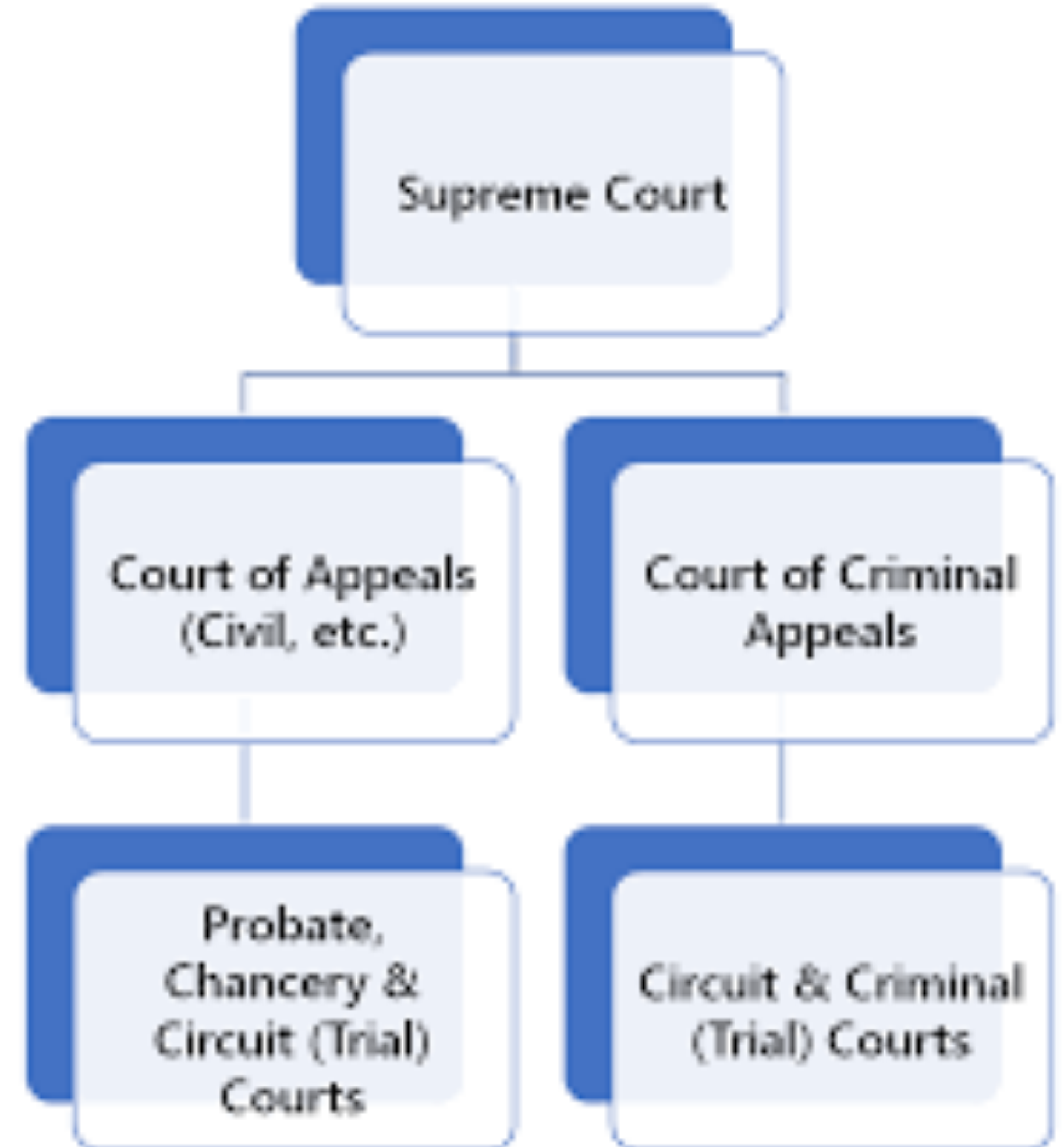
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IX. Tennessee Court Systems

- a. General Sessions (small claims) court
- b. Circuit / Chancery Courts
- c. Civil / Criminal Court of Appeals
- d. Tennessee Supreme Court



X. Electing vs. Appointing Judges



XI. Some Important Tennessee Court Decisions



a. State of Tennessee v. Scopes (Scopes Monkey Trial)

b. Methodist Episcopal Church v. Board of Vanderbilt University

XII. Rule of Juries and Judges



