Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Hour: \_\_\_\_\_\_\_\_\_

**Checks and Balances**

Complete the following checks and balances chart. First write a brief description of each branch of government and its purpose in our democracy. Then list at least one check per branch of government (one check for each arrow).

**Executive Branch**

**Legislative Branch**

**Judicial Branch**

Why is the system of checks and balances important to our democracy?

How might our democracy be different if we didn’t have a system of checks and balances?

**The Judicial Branch**

1. What are the constitutional qualifications to become a judge? What additional qualifications do you think there should be.
2. Define the term precedent.
3. Why should judges follow precedent? What advantages does this provide in our legal system?

1. Should judges have the power to overrule or change precedents? Are there ever any good reasons for judges to do so?
2. What steps did the Framers take to ensure the independence of federal judges in deciding cases? How do these provisions help protect judicial independence?
3. How can federal courts and judges be held accountable for their decisions?
4. Are the executive and legislative branches influenced by what citizens think and want—by public opinion? Should the judicial branch be influenced by public opinion? Why or why not?

**In the News: Separation of Powers and Checks and Balances**

Find an article in your newspaper that mentions the powers of at least one branch of government or raises the issue of separation of powers. Answer the following questions, and be prepared to report back to the class.

1. What event or issue does the article describe?
2. How does the article illustrate the separation of powers?
3. How does the article illustrate checks and balances?
4. Did the branches of government involved exercise appropriate checks and balances on the other branches? Explain your answer.
5. Are there clear guidelines for when one branch of government should check the power of another? Explain your answer.

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**Practice Writing a Case Brief – Due:**

*Citizens United v. Federal Election Commission*

1. What year was this case argued?
2. Summarize the background of this case.
3. What is the constitutional issue in this case?
4. Summarize the Supreme Court’s ruling.
5. Summarize the dissenting opinion.
6. Citizens United v. Federal Election Commission has often been credited for the creation of "super \_\_\_\_\_\_\_\_\_\_\_\_\_\_"

**Current Case Before the US Supreme Court**

*For this assignment you will be researching and writing a case brief for a case that is currently before the US Supreme Court. For this assignment you will be asked to be the judge and make a ruling based on the facts of the case. In your ruling you must cite constitutional evidence to support your claim. The brief should resemble the format of the other briefs that we have discussed in class.*

*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

Two of the cases involve the National Rifle Association, and they are [*NRA v. Bureau of Alcohol, Tobacco and Firearms*](http://sblog.s3.amazonaws.com/wp-content/uploads/2013/08/NRA-petition-13-137.pdf)  and [*NRA v. McCraw*](http://sblog.s3.amazonaws.com/wp-content/uploads/2013/11/13-390-NRA-v-McCraw-Cert-Pet-09-24-13.pdf).

The question posed by the NRA in the first case is, “Whether a nationwide, class-based, categorical ban on meaningful access to the quintessential means to exercise the right to keep and bear arms for self-defense can be reconciled with the Second Amendment, the equal protection guarantee, and this Court’s precedents.”

The main questions posed by the NRA in the second case are 1) if the Second Amendment right to bear arms includes the right to bear arms in public, 2) if responsible 18-to-20-year-olds can bear arms, and 3) if 18-to-20-year-olds can bear arms in public.

As *Constitution Daily* contributor Lyle Denniston wrote for us two weeks ago, in an analysis of the case basics, the “two cases [are] testing whether the federal government and the states can restrict the rights of minors to possess a gun outside the home.” But the NRA also wants a Court ruling on if  “the Second Amendment right to bear arms for self-defense in case of confrontation includes the right to bear arms in public.”

**Link**: [Read Denniston’s Analysis](http://blog.constitutioncenter.org/?p=31097)

Denniston said that one of the reasons the Supreme Court could take the cases “is that, in both, the federal appeals court came very close to creating an entirely new category of individuals ineligible to ‘bear’ arms, merely because of their age.”

In both of the decisions at issue, the appeals court said it was “likely” that they were not protected at all under the Second Amendment, or under the separate parts of the Constitution that guarantee all individuals equal legal rights.

And a third case was added to the February 21 conference two weeks ago, [*Lane v. Holder*](http://sblog.s3.amazonaws.com/wp-content/uploads/2013/09/lane_cert_petition.pdf), which is being mounted by the Second Amendment Foundation.

The question in the Lane case is, “Whether consumers have standing to challenge the constitutionality of laws regulating the sale of firearms.”

The Lane case confronts the issue of gun purchasers having a right to sue to challenge federal gun laws that restrict their options of buying guns from dealers in different states.

Since the Supreme Court issued its ruling in [*McDonald v. City of Chicago*](http://www.bloomberglaw.com/public/document/McDonald_v_City_of_Chicago_130_S_Ct_3020_177_L_Ed_2d_894_2010_Cou/3) in 2010, it hasn’t accepted new cases about the rights of gun owners. The *McDonald* case extended the decision in the 2008 *Heller* decisions to the states.

In *District of Columbia* v. *Heller*, the Court held that the Second Amendment protects the right to keep and bear arms for the purpose of self-defense and it struck down a District of Columbia law that banned the possession of handguns in the home.

The Court’s acceptance of any of the three gun cases would be significant, and the cases probably wouldn’t be heard until its next term starts in October 2014. (The Court could say as soon as today or on Monday if it will grant the cases for arguments.)

It is request to the Court in the McCraw case, the NRA’s counsel claims that lower courts have deliberately stalled in following the Court’s decisions in *Heller* and *McDonald*.

“This massive judicial resistance to implementing this Court’s Second Amendment decisions is particularly acute in challenges to laws restricting the right to carry a firearm in public,” the petition says. “This case presents a prime example of this de facto rejection of *Heller* and *McDonald* by lower courts.”

And same claim is made in the NRA v. Bureau of Alcohol, Tobacco and Firearms case.

“Jurisdictions have engaged in massive resistance to the clear import of those landmark decisions, and the lower federal courts, long out of the habit of taking the Second Amendment seriously, have largely facilitated the resistance,” counsel claims in that petition

In the Bureau of Alcohol, Tobacco and Firearms and the Lane case, the Justice Department is arguing that a Supreme Court review isn’t warranted. The state of Texas also wants their case denied by the Court and it is questioning the NRA’s standing in the case.