**Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Describe the following terms:

|  |  |  |
| --- | --- | --- |
| Term | Description | Picture representation |
| **Concurring Opinion** |  |  |
| **Dissenting Opinion** |  |  |
| **Judicial Review** |  |  |
| **Civil Case** |  |  |
| **Criminal Case** |  |  |
| **Jurisdiction** |  |  |
| **Marbury V. Madison** |  |  |
| **Writ of Certiorari** |  |  |

**Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Judicial Restraint Vs. Judicial Activism**

Judicial restraint and judicial activism are both ways to decide a court case. Both judicial restraint and judicial activism use **precedent,** or the decision from previous cases, to make the decision. Even though they both use precedent, they are very different.

The first is **judicial restraint,** which is the belief that judges should interpret the laws and constitution word for word. Some people think that **judicial restraint** is good because it make sure that the Justices only use the constitution and laws to make their decisions, and not their personal beliefs.

The second way of thinking is **judicial activism,** which is the belief that judges should change their opinions over time because of changes in society. Some people think that **judicial activism** is bad because it would mean that a Justice’s decision is based on his personal beliefs, not on the Constitution. Some people think that it is good because it allows changes in our laws based on the changing times.

1. **Precedent** most likely means:
2. Decision of a previous case B. Judicial Activism C. Jurisdiction D. Opinion of one Justice
3. **JUDICIAL RESTRAINT and JUDICIAL ACTIVISM are similar because they both**

**a. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**b.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

1. **JUDICIAL RESTRAINT and JUDICIAL ACTIVISM are different because**

a. Judicial restraint \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, but judicial activism,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

b. Judicial restraint \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, but judicial activism,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**You be the Justice**

**Directions:** Read the facts of the case below and decide what you would do if you were on the Supreme Court.

**Facts of the Case:** Jane Roe was an unmarried and pregnant Texas resident in 1970. Texas law made it illegal to abort a fetus (unborn baby) unless the mother’s life was at risk.  Roe filed a lawsuit against Wade, the district attorney of Dallas County, arguing against the law because it violated personal liberty and the right to privacy guaranteed in the First, Fourth, Fifth, Ninth, and Fourteenth Amendments. This case made it to the Supreme Court.

Is the law making it illegal to have an abortion unconstitutional? Or should a state be allowed to make such a law?

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