

**JUDICIAL REVIEW BY POLITICAL IDEOLOGY:**  
**A JUDGE OR JUSTICE WILL BE MORE LIKELY TO BE AN “ACTIVIST”**  
 (use judicial review to declare unconstitutional a government action)  
**WHEN THE GOVERNMENT ACTION THREATENS THEIR CORE IDEOLOGICAL VALUES**

<b>WHEN THE GOVERNMENT ACTION <u>THREATENS</u></b>	<b>POLITICAL IDEOLOGY OF JUDGE/JUSTICE</b>			
	<b>Liberal</b>	<b>Libertarian</b>	<b>Conservative</b>	<b>Populist</b>
<p style="text-align: center;"><b><u>Equality</u> (at the expense of liberty)</b></p> <ul style="list-style-type: none"> <li>● <i>Santa Fe Independent School Dist. v. Doe</i> (2000)</li> <li>● The liberal majority ruled unconstitutional a policy permitting student-led, student-initiated prayer at high school football games in violation of the Establishment Clause of the First Amendment.</li> </ul>	Yes	No	No	Yes
<p style="text-align: center;"><b><u>Liberty</u> (at the expense of order)</b></p> <ul style="list-style-type: none"> <li>● <i>Miranda v. Arizona</i> (1966)</li> <li>● The liberal majority ruled unconstitutional the admission of statements in a criminal trial given by the defendant during police interrogation without a warning against self incrimination and a right to counsel.</li> </ul>	Yes	Yes	No	No
<p style="text-align: center;"><b><u>Liberty</u> (at the expense of equality)</b></p> <ul style="list-style-type: none"> <li>● <i>Citizens United v Federal Election Commission</i> (2010)</li> <li>● The conservative majority ruled that limits on corporate funding of independent political broadcasts in candidate elections violate the Free Speech Clause of the First Amendment.</li> </ul>	No	Yes	Yes	No
<p style="text-align: center;"><b><u>Order</u> (at the expense of liberty)</b></p> <ul style="list-style-type: none"> <li>● <i>Gonzales v. Raich</i> (2005)</li> <li>● The conservative majority ruled that the Commerce Clause allows Congress to criminalize marijuana even where states approve its use.</li> </ul>	No	No	Yes	Yes

**JUDICIAL REVIEW BY POLITICAL IDEOLOGY:**  
**A JUDGE OR JUSTICE WILL BE MORE LIKELY TO DEFER TO THE ELECTED BRANCHES**  
**(NOT use judicial review to declare unconstitutional a government action)**  
**WHEN THE GOVERNMENT ACTION SUPPORTS THEIR CORE IDEOLOGICAL VALUES**

**WHEN THE GOVERNMENT ACTION SUPPORTS**

**POLITICAL IDEOLOGY OF JUDGE/JUSTICE**

**Liberal**

**Libertarian**

**Conservative**

**Populist**

**Equality (at the expense of liberty)**

- *Regents of UC v. Bakke* (1978)
- The liberal majority upheld the use of race as one of many factors in admissions policies.

Yes

No

No

Yes

**Liberty (at the expense of order)**

- *Gonzales v. Oregon* (2006)
- The liberal majority upheld the Oregon law allowing assisted suicide the terminally ill.

Yes

Yes

No

No

**Liberty (at the expense of equality)**

- *Milliken v. Bradley* (1974)
- The conservative majority ruled that local school boards could not be required by federal courts to engage in cross-district busing when there was no evidence of prior or current *de jure* racial segregation by that school board.

No

Yes

Yes

No

**Order (at the expense of liberty)**

- *Morse v. Frederick* (2007)
- The conservative majority upheld the suspension from a public high school of a student for displaying a banner reading "BONG HITS 4 JESUS" across the street from a school-sponsored Olympic Torch Relay.

No

No

Yes

Yes