Reading Guide: Chapters 4 and 5

4.1

1. Where are your civil liberties found?

2. How did the Supreme Court case, Gitlow v. New York begin the development of the incorporation doctrine?

4.2

3. What is the establishment clause of the 1st Amendment?

4. What is the free exercise clause of the 1st Amendment?

5. \*\*\*Make sure to look over the notes I gave you for Lemon laws and the summary of these topics\*\*\* BUT how has the establishment clause been used to determine the proper wall between church and state in public schools?

6. How has the Supreme Court determined what constitutes “free exercise” of religion and what does not?

4.3

6. Is the freedom of expression absolute? What has the court said about this?

7. What is prior restraint? How does it relate to censorship?

8. When can “free speech” be limited? (Schenck v. US) How has the Court evolved in its opinion regarding speech?

9. When is something considered obscene? Why is there no consistent definition of obscenity?

10. What is the difference between libel and slander?

11. How did Times v. Sullivan define libel?

12. What is considered symbolic speech? How did Tinker v. Des Moines help define symbolic speech?

13. How did Texas v. Johnson uphold this ideal?

14. What conflicts arise when the press attempts to exercise its freedom regarding court cases?

15. What is considered commercial speech? What agencies are involved in its regulation?

16. How is money contributed to a campaign considered speech?

17. Examine the following acts or decisions to determine their impact on campaign “speech.”

a. Buckley v. Valeo

b. McCain-Feingold

c. Citizens United v. FEC

4.4

18. What are some limitations placed on the right to assemble?

19. What is the right to associate? How has it been protected?

4.5

20. What are some limitations placed on the right to bear arms?

4.6

21. What rights are guaranteed to those accused of a crime?

22. How has the practice of warrantless searches been upheld by courts?

23. What protections have been put into place against unreasonable searches and seizures?

24. What is the exclusionary rule? How did Mapp v. Ohio establish this practice?

25. What exceptions have been made to the exclusionary rule?

26. What impact has the USA Patriot Act had on searches and seizures?

27. What guidelines were put into place regarding self-incrimination after Miranda v. Arizona?

28. How did Gideon v. Wainwright expand the right to counsel?

29. What is habeas corpus? How does the 6th Amendment protect this?

30. What percentage of cases end in a plea bargain?

31. How has the cruel and unusual punishment clause been interpreted under Furhman v. Georgia and later under Gregg v. Georgia?

32. Summarize the controversy surrounding the death penalty.

4.7

33. Is there a right to privacy?

34. How has the Court interpreted the right to privacy?

35. How does Roe v. Wade fit into the discussion of privacy?

36. Summarize the controversy surrounding abortion.

Civil Rights and Public Policy

5.1

37. What are civil rights?

38. Why has the concept of equality been difficult to define?

39. What role does the 14th Amendment play in determining equality?

5.2

40. Summarize the impact of Scott v. Sanford.

41. What are Jim Crow Laws?

42. Summarize Plessy v. Fergusson. What impact did it have on the practice of segregation?

43. Summarize Brown v. Board of Education. What impact did it have on the practice of segregation?

44. What did the Civil Rights Act of 1964 do?

45. How have voting rights of been limited and expanded since America’s founding?

5.3

46. What happened in the Korematsu v. US case?

5.4

47. How have the rights of women been expanded?

48. What is the ERA?

49. How have the rights of women in the workplace been expanded?

5.5

50. What was the impact of the ADA?

5.6

51. What affirmative action?

52. How did Regents v. Bakke redefine affirmative action?

53. Summarize the controversy surrounding affirmative action.