

Unit 6a STUDY GUIDE

Civil Liberties

1. Make sure you can differentiate between civil liberties and civil rights.

Civil Liberties -	Example -
Civil Rights -	Example -

2. What was the purpose of the Bill of Rights?

Naturalization of the Bill of Rights

3. What does INCORPORATION mean?
4. Incorporation is also known as _____
or the _____ of the Bill of Rights.
5. What were the rulings of the Supreme Court in the following cases?

<i>Barron v. Baltimore</i> Year --	
<i>Gitlow v. New York</i> Year --	

6. What made the difference in the rulings?
7. Recreate the "Incorporation Diagram" from the board.

8. The Bill of Rights

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9. Why is it called “selective incorporation”? Explain.

10. List the Bill of Rights that have not been incorporated.

- a.
- b.
- c.

Freedom of Religion

THE TWO CLAUSES	Explain. Give an example of a question that could come before the court regarding that clause.	Whose action is questioned?

The Establishment Clause

11. Explain the origin of the “Wall of Separation”.

12. Briefly explain the three most popular “tests” used by the courts for establishment cases.

TEST	CASE	EXPLAIN	THRESHOLD
Lemon <i>(Complete chart on the next page)</i>			
Coercion			
Endorsement			

13. List two government regulations that have benefitted religion?

14. What has the Court said about “Religion in the Public Square”?

15. What has the Court said about “Religion in Schools”?

Activity	The Court says . . .	Key Cases
Parochial		
School Prayer		
Evolution		
Release Time		
Equal Access		

The Free Exercise Clause

16. The Supreme Court has consistently maintained that people have an absolute _____ what they want, but the courts have been more cautious about the right to _____ a belief.

17. Identify the two-part test used to decide whether a religious practice is protected by the Free Exercise Clause.

- a.
- b.

18. _____ v. _____ incorporated the Free Exercise Clause.

19. Complete the FREE EXERCISE Chart

Protected Practices – Free Exercise Cases	Unprotected Practices – Free Exercise Cases

20. The Issue of “Compelling Interest”

Case	Question before the Court	Ruling & Significance
<i>Employment Division v. Smith</i>		
<i>Church of the Lukumi v. City of Hialeah</i>		
<i>Boerne v. Flores</i>		

Freedom of Expression

21. The Court using a balancing test to determine constitutionality of restrictions on expression.

The Court weighs the _____ against the _____.

22. Explain “compelling state interest” in your own words.

23. Historical background

- a. Sedition Act of 1798
- b. The Labor Movement
- c. The Espionage Act of 1917

24. Types of Speech

Type	Notes	Level of Protection
Pure		
Speech + Speech		
Symbolic		
Right not to Speak		
Speech in Campaigns		
Commercial		
Airwaves		
Defamation		
Obscenity		
“Fighting Words”		

Freedom of the Press

25. What is “prior restraint”?

26. When are prior restraints permissible?

a.

b.

27. Explain the conflict between “free press” and “fair trial”.

28. What is the difference between libel and slander?

29. Key Cases – Expression

<i>Schenck v. U.S.</i>	
<i>Near v. Minnesota</i>	
<i>NYT v. United States</i>	Also known as --
<i>Roth v. U.S.</i>	
<i>Miller v. California</i>	
<i>NYT v. Sullivan</i>	
<i>Tinker v. Des Moines</i>	
<i>Texas v. Johnson</i>	
<i>Red Lion v. FCC</i>	
<i>Synder v. Phelps</i>	
<i>Brown v. Entertainment . . .</i>	

38. Explain “probable cause”. Provide a hypothetical example using the terms probable cause and search warrant.

39. Explain the “exclusionary rule”.

40. What is your personal opinion regarding the rule? Be specific and provide an example.

41. List the three elements of police guidelines for questioning suspects.

a.
b.
c.

42. Do you agree or disagree with the Miranda Rule? Why?

43. Most cases do not progress to trial because a _____ is reached between the government and defendant.

44. (a) What are the benefits to this system? (b) What are the disadvantages to this system?

45. The original, pre-amended Constitution included three protections related to the accused.

Protections	Explanation
Writ of habeas corpus	
Writ of attainer	
Ex post facto law	

47. Key Cases – Rights of the Accused

Case	Amend.	Question & Ruling
<i>Mapp v. Ohio</i>		
<i>Miranda v. Arizona</i>		
<i>Gideon v. Wainwright</i>		
<i>Gregg v. Georgia</i>		

46. Outline the Court’s development of the “right to privacy”.

47. Key Cases – Personal Liberty

<i>Griswold v. CT</i>	
<i>Roe v. Wade</i>	
<i>Planned Parenthood v. Casey</i>	Also known as --
<i>Lawrence v. Texas</i>	

48. Key Cases – Property

<i>New London v. Kelo</i>	
<i>Stop the Beach v. Florida Dept. . . .</i>	