**Chapter 4 – Civil Liberties and Public Policy**

1. What was the most important difference between the Supreme Court’s decision in *Barron v. Baltimore* and the one in *Gitlow v. New York*?
2. Explain the importance of the Fourteenth Amendment in the doctrine of **selective incorporation**.
3. Take a look at the Table 4.2. Which freedom in the Bill or Rights was most recently incorporated and what was the court case?
4. List four Supreme Court cases concerning the establishment clause and comment on the significance of each.
5. **REQUIRED COURT CASE: *Engel v. Vitale* (1962)** \*You may reference [oyez.com](https://www.oyez.org/cases/1961/468) for additional information.

Facts of case:

Decision and reasoning:

1. What are the limitations on the free exercise of religion?
2. **REQUIRED COURT CASE: *Wisconsin v. Yoder*** (1972) \*You may reference [oyez.com](https://www.oyez.org/cases/1971/70-110) for additional information.

Facts of case:

Decision and reasoning:

1. What is prior restraint, and how is it connected to freedom of the press?
2. **REQUIRED COURT CASE: *New York Times Co. v. United States* (1972)** \*Info found in “**You** Are the Judge” Section

Facts of case:

Decision and reasoning:

1. **REQUIRED COURT CASE: *Schenck v. United States* (1919)** \*You may reference [oyez.com](https://www.oyez.org/cases/1900-1940/249us47) for additional information.

Facts of case:

Decision and reasoning:

1. Identify examples where the Supreme Court has limited speech in regards to defamatory, offensive and obscene statements and gestures.
2. Obscenity
3. Libel and Slander
4. How are the standards for winning libel lawsuits different for public figures and private individuals?
5. What is symbolic speech? Why is it protected? Are there any limitations to symbolic speech?
6. **REQUIRED COURT CASE: *Tinker v. Des Moines* (1969)** \*You may reference [oyez.com](https://www.oyez.org/cases/1968/21) for additional information.

Facts of case:

Decision and reasoning:

1. Why is commercial speech more restricted than other types of speech?
2. Identify examples where the Supreme Court has limited speech in regards to time, place and manner regulations. Explain two facets of the freedom of assembly.
3. Explain the Supreme Court ruling in *District of Columbia v. Heller* (2008).
4. **REQUIRED COURT CASE: *McDonald v. Chicago* (2010)** \*You may reference [oyez.com](https://www.oyez.org/cases/2009/08-1521) for additional information.

Facts of case:

Decision and reasoning:

1. How are the following terms interrelated: probable cause, unreasonable searches and seizure, search warrant, and exclusionary rule? In which amendment are these rights found?
2. How is the USA PATRIOT Act (2001) an example of the government limiting civil liberties?

\*TEXTBOOK UPDATE: In 2015, after evidence showed that the bulk metadata collection was not necessary to prevent terrorist attacks, Congress passed the USA Freedom Act, which upheld certain portions of the Patriot Act but phased out bulk collection of phone and Internet data and set limits for its collection in certain circumstances. It also required the Executive Branch to acquire a warrant to examine the metadata.

Note: Be able to discuss whether or not the government regulation of firearms or collection of digital metadata promotes or interferes with public safety and individual rights.

1. What are the three guidelines for police questioning of suspects as set forth in *Miranda v. Arizona* (1966)?
2. **REQUIRED COURT CASE: *Gideon v. Wainwright* (1963)**

Facts of case:

Decision and reasoning:

1. What are the positives and negatives associated with plea bargaining?

Pros:

Cons:

1. What does the law constitute as cruel and unusual punishment found in the Eighth Amendment? What limitations has the federal government put on state death penalty cases over time?
2. Explain how the Constitution implies a right to privacy. (List the various amendments where right to privacy could be implied.)
3. **REQUIRED COURT CASE: *Roe v. Wade* (1973)**

Facts of case:

Decision and reasoning:

1. Provide examples where the Court upheld and overturned certain state restrictions on abortion since *Roe* under the “undue burden” evaluation standard.

Examples of upholding state restrictions:

Examples of overturning state restrictions:

28. Do civil liberties expand or limit the scope of government?

**Chapter 5 – Civil Rights and Public Policy**

1. How do civil rights and civil liberties differ?
2. How did the ***equal protection clause*** in the Fourteenth Amendment become the principal tool for promoting equality?
3. Explain the Supreme Court’s three standards for classifications under the *equal protection clause* and give an example of each.

\*You will want to reference these for when you read about affirmative action on p. 170.

1. Compare and contrast the significance of the Supreme Court cases of *Scott v. Sandford* (1857), *Plessy v. Ferguson* (1896), and *Brown v. Board Education* (1954).
2. **REQUIRED COURT CASE: *Brown v. Board of Education of Topeka* (1954)**

Facts of case:

Decision and reasoning:

1. What is the difference between ***de jure* segregation** and ***de facto* segregation**?
2. What was the Civil Rights Act of 1964? What impact did it have on discrimination in the U.S.?
3. List and explain four ways in which the southern states denied African Americans the right to vote.
4. What was the **Voting Rights Act of 1965**? What impact did it have on registration and turnout rates of minorities?
5. List four other minority groups that have faced discrimination similar to that experienced by African Americans and summarize their fight for civil rights.
6. What amendment guarantees women’s suffrage?
7. What was the **Equal Rights Amendment**? Why did it not get ratified by enough states?
8. What is the classification standard the Courts have used in gender discrimination cases? (Refer back to #3 or p. 148 if necessary.)
9. How has Congress attempted to end sex discrimination in the area of employment?
10. Where does Title IX of the Education Act of 1972 forbid gender discrimination? Why is this significant? (think athletics!)
11. What is one key difference between the way men and women are treated in regards to the military today?
12. How has the Supreme Court dealt with the issue of sexual harassment?
13. In what ways are the elderly discriminated against in American society?
14. What did the American with Disabilities Act of 1990 (ADA) do and what was its main argument against it?
15. What are some issues the LGBT community has faced to gain equality?

\*TEXTBOOK UPDATE: In ***Obergefell v. Hodges* (2015),** The Supreme Court ruled in a 5:4 decision that states are required to issue a marriage license to two people of the same sex under the due process and equal protection clauses of the Fourteenth Amendment.

1. What is the classification standard the Courts have used in racial discrimination cases? (Refer back to #3 or p. 148 if necessary.)
2. List examples/cases in which the Supreme Court supports affirmative action and other examples/cases where the Court opposes affirmative action.

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| --- | --- |
| ***Support:*** | ***Oppose:*** |

23. Do civil rights expand or limit the scope of government?