

## Edwards 17 Chapter 4 Assignment

1. Compare and contrast liberal and conservative positions regarding civil liberties and the role of government.
2. Define civil liberties.
3. What are the Bill of Rights?
4. What one word about what the supreme court does is central to the debate about what is and is not protected by the constitution? (You might do this in your English classes when you actually read something)
5. At ratification what protection did the constitution give to protecting the people's rights at the state level?
6. What does the 14<sup>th</sup> Amendment do?
7. Break the 14<sup>th</sup> Amendment into its separate privileges and immunities clause, due process clause, and equal protection clause. Why are each of these separately important?
8. How did *Gitlow v. New York* change how rights were protected in the United States?
9. What is incorporation?
10. What four words of the 14<sup>th</sup> Amendment make incorporation possible?
11. What does the establishment clause of the 1<sup>st</sup> Amendment mean?
12. How is the 1<sup>st</sup> Amendment's free exercise clause different from the establishment clause?
13. Why is the idea of separation of church and state hard to define?
14. Identify and explain the *Lemon Test*.
15. Why are publicly funded vouchers for private schools controversial as it relates to religion?
16. What was decided in *Engel v. Vitale*?
17. Why can the LIFE club meet on campus and pray, but its teacher-sponsor not join in?
18. What is the connection of creation science, intelligent design, and evolution to the establishment clause?
19. Why was religious practice not protected in *Employment Division v. Smith*?
20. Why is a ban on prior restraint valuable to free speech rights?
21. What was decided in *New York Times v. United States*?
22. Why was Schenck's conviction upheld by the supreme court in *Schenck v. United States*?
23. Look up and define the *Roth* test.
24. What is the *Miller* test?
25. Even with *Roth* and *Miller* why is obscenity difficult to define?
26. Why was the Communications Decency Act ruled unconstitutional?
27. How does the textbook blur the definition of pornographic and obscene? Why does this matter?
28. Compare and contrast libel and slander.
29. Why can tabloids like *The Enquirer* purposely state false things about celebrities and get away with it?
30. Why were the speech rights of Mary Beth and David Tinker upheld in *Tinker v. Des Moines*?
31. Why are flag desecration laws unconstitutional?
32. Why is symbolic speech protected by the First Amendment?
33. What is the status of reporters' right to withhold the identity of sources under shield laws?
34. Why is commercial speech regulated?
35. What is required to get a license from the Federal Communications Commission (FCC) to use the public's airwaves?
36. Define the "least restrictive way" standard.
37. What was upheld in *Buckley v. Valeo*?
38. How can a campaign donation be considered a form of free speech?

39. What did the supreme court have to say about corporations and super PACs in *Citizen's United v. Federal Election Commission* (FEC)?
40. Why is the right to assemble important to a free society?
41. Why is the Westboro Baptist Church able to besmirch the memory of fallen service members at their funerals? (My bias is evident in this question. To each their own, but in a proper time and place)
42. Why must we tolerate Nazis in marching in Skokie and white supremacists in Charlotte if we are to be a free society? What's the harm in preventing their assembly?
43. Given its mission, should the ACLU have defended the American Nazi Party against the government of Skokie, Illinois?
44. What does the 2<sup>nd</sup> Amendment do?
45. What did the court decide in *District of Columbia v. Heller*?
46. Why was *McDonald v. Chicago* needed to incorporate the 2<sup>nd</sup> Amendment if *Heller* had already been decided? (Think location and the 4 words of the 14<sup>th</sup> Amendment)
47. Define probable cause.
48. Why is it important to prohibit evidence illegally obtained from trial?
49. What conditions make searches valid?
50. How does the exclusionary rule protect people?
51. What does it mean that the exclusionary rule was incorporated in *Mapp v. Ohio*?
52. How do the inevitable discovery doctrine and good faith exception weaken the exclusionary rule?
53. What does the USA Patriot Act allow the government to do?
54. How has the NSA collected telephone, email and texts from Americans without warrants?
55. Why is the 5<sup>th</sup> Amendment's ban on self-incrimination an important protection for people suspected of a crime?
56. What does *Miranda v. Arizona* have to do with your 5<sup>th</sup> and 6<sup>th</sup> Amendment rights?
57. What is *Gideon v. Wainwright*'s role in incorporating the 6<sup>th</sup> Amendment?
58. How does *habeas corpus* protect the people?
59. Why is it important for defendant's to be able to cross-examine witnesses against them?
60. How does *Hamdan v. Rumsfeld* uphold the rule of law while being greatly unpopular?
61. What does the 8<sup>th</sup> Amendment prevent?
62. What was decided in *Gregg v. Georgia*?
63. What's wrong with how the death penalty is given out?
64. Why is *Griswold v. Connecticut* important beyond allowing women access to birth control?
65. How did *Griswold* make *Roe v. Wade* possible?
66. How has the ruling in *Planned Parenthood v. Casey* made it difficult for women to obtain an abortion?
67. How does the ruling in *Woman's Health v. Hellerstadt* safeguard a woman's right to abortion services?
68. How is democratic rule a threat to individual liberty? (Think Trump coalition against immigrants, access to abortion, medicaid recipients)