

Wilson 16 Chapter 5 Assignment

1. What 1833 case saw the court decide that the Bill of Rights only applied to protection from the national government?
2. What does libertarian imply?
3. Define civil liberties.
4. What are civil rights?
5. How can civil rights and liberties be a series of conflicts between competing rights?
6. What does it mean that a person may not be deprived of life, liberty, or property without DUE PROCESS OF LAW?
7. How is the 14th Amendment's equal protection clause different from the due process clause?
8. What practical effect did *Gitlow v. New York* have on 1st Amendment rights at the state level?
9. What does it mean that the court engaged in selective incorporation?
10. What allowed the court to engage in incorporation?
11. Why wasn't the 2nd Amendment considered incorporated after *District of Columbia v. Heller*, but was in *McDonald v. Chicago*?
12. What do the free exercise and establishment clause mean?
13. Where are the free exercise and establishment clause found?
14. What does it mean that media enjoy freedom from prior restraint?
15. How does the Trump administration's threats to revoke White House press credentials from media organizations he labels fake news a threat to freedom of the press?
16. How does clear and present danger test from *Schenck v. US* limit speech?
17. What is true about the pace and scope of incorporation?
18. What would the modern equivalent of shouting fire in a crowded theater be? Why shouldn't this be protected speech?
19. In what way did Benjamin Gitlow take one for the team?
20. What made it possible to incorporate freedom of speech and press in the *Gitlow v. NY* case? (Legal instrument)
21. What was decided in *Chaplinsky v. New Hampshire* (1942)?
22. What constitutional right was being protected by allowing Nazis to parade through Skokie, Illinois?
23. Define libel.
24. How is slander different from libel if both aim to communicate untruths about people?
25. Define what should be considered obscene?
26. How can the publication of books such as *Fifty Shades of Grey* split a community?
27. Why was the Child Pornography Prevention Act ruled unconstitutional?
28. What is symbolic speech?
29. How was Gregory Johnson's right to free speech violated by the state of Texas at the 1984 Republican convention?
30. Why are flag desecration laws unconstitutional?
31. How are corporations treated by the courts as it relates to rights?
32. Why are some commercial speech limitations allowed?
33. How were the free speech rights of interest groups/independent expenditure groups/527s protected in *McConnell v. FEC*?
34. How were student rights protected in *Tinker v. Des Moines*?
35. What was decided in *Miller v. California*?
36. How does the free exercise clause keep the government from interfering with religious observance and practice?
37. What does "congress shall make no law respecting an establishment of religion" actually mean?
38. What is used to tie Bill of Rights protections to the states?
39. How does *Employment Decision, Department of Human Resources of Oregon v. Smith* not run afoul

of the free exercise clause?

40. How does the Affordable Care Act's requirement that businesses making health insurance carrying birth control be available to employees (the employee pays for it) interfere with Notre Dame or Hobby Lobby's religious beliefs?

41. What are the three tenets of the *Lemon* test to determine if undue state endorsement of religion has happened?

42. What was decided in *Engel v. Vitale*?

43. What new legal ground was decided in *Burwell v. Hobby Lobby* as it relates to religious rights?

44. If justice is the goal which method of evidentiary procedure do you believe is best? Why?

45. How does the exclusionary rule protect the ideal of due process?

46. Why is *Mapp v. Ohio* about so much more than Dollree Mapp?

47. What are the requirements for the police to get a search warrant?

48. How is probable cause different from reasonable suspicion in legal terms?

49. Why is *habeas corpus* an important protection against our government?

50. How does reasonable expectation of privacy factor into civil liberties?

51. In what ways does the 5th Amendment protect us from the government?

52. Why are Miranda warnings an important part of due process?

53. How do the good faith exception and inevitable discovery doctrines weaken the idea of the exclusionary rule?

54. How have police departments used civil forfeiture to violate the rights of some people?

55. How does the USA Patriot Act represent no legal threat to the civil liberties of Americans?

56. Why are FISA activities kept top secret?

57. How do the warrantless searches conducted by the NSA imperil civil liberties? Do the ends justify the means?

58. How do *Rasul v. Bush* and *Hamdan v. Rumsfeld* attempt to provide due process for enemy combatants? Should there be due process for enemy combatants?

59. How are the cases in this chapter relevant for society rather than just the named individuals in the cases?