

**Study Guide for Unit 5:**  
**Civil Liberties & Civil Rights**

**Chapter 16: The Federal Courts**

***Questions you should be able to answer:***

1. Who are the key participants in the American judicial system and what do they do?
2. Explain the structure of the American judicial system. What are the differences between the federal district courts, courts of appeal, and the Supreme Court?
3. What is the process by which members of the Supreme Court are chosen? How does the appointment process for other federal courts differ?
4. What are the typical characteristics of American judges and justices? How do their background's and personal characteristics affect their judicial behavior?
5. How do courts shape public policy in their decisions and in the opinions by judges used to justify decisions? What effect have the courts had on the policy agenda? Use historical examples in your answer.
6. How do court decisions become public policy? What is involved in judicial implementation? Use examples to illustrate the potential problems of implementing court decisions.
7. What is the role of courts in a democracy? What are the major criticisms of the court system in the U.S. today? In what ways might the courts be considered too strong or weak?

***Terms you should be able to identify & describe:***

Class action suits	<i>amicus curiae</i> briefs
Original jurisdiction	appellate jurisdiction
Senatorial courtesy	<i>stare decisis</i>
Precedent	original intent
Judicial review	<i>Marbury v. Madison</i>
Judicial restraint	judicial activism
Majority opinion	dissenting opinion
Injunction	remand
Rule of four	writ of certiorari
Writ of habeas corpus	

## **Chapter 4: Civil Liberties and Public Policy**

### ***Questions you should be able to answer:***

1. What is the relationship between the national government and the states in the protection of civil liberties? How was the issue of protecting civil liberties at the state level resolved?
2. What would a literal interpretation of the First Amendment mean for the protection of civil liberties? What factors tend to prevent such a literal interpretation? Give examples to illustrate your answer.
3. Compare the First Amendment freedoms in terms of the restrictions placed on their application. Do you agree with these restrictions? Support your position with examples of actual or hypothetical cases.
4. How has religious freedom been interpreted by the Supreme Court? Be sure to include a discussion of the establishment clause and the free exercise clause.
5. Identify the various types of speech. Categorize the different types of speech according to the extent to which they are protected by the Constitution. Give examples of court cases that have helped to establish these protections.
6. What are the constitutional protections of persons accused of crimes, and where are they found? How has the Supreme Court interpreted and shaped these protections?
7. What is meant by the "right to privacy"? Explain the controversies that have arisen over the right to privacy.

### ***Terms you should be able to identify & describe:***

Civil liberties	Bill of Rights
Fourteenth Amendment	incorporation doctrine
Establishment clause	free exercise clause
Prior restraint	libel
Symbolic speech	commercial speech
Probable cause	search warrant
Exclusionary rule	self-incrimination
Plea bargaining	

***Court Cases you should be able to identify & discuss***

*Barron v. Baltimore (1833)*

*Everson v. Board of Education (1942)*

*Lemon v. Kurtzman (1971)*

*Engel v. Vitale (1962)*

*Schenck v. United States (1919)*

*Gitlow v. New York (1925)*

*Tinker v. Des Moines Independent Community School District (1969)*

*New York Times Co. v. U.S. (1971)*

*Texas v. Johnson (1989)*

*NAACP v. Alabama (1958)*

*Boy Scouts of American v. Dale (2000)*

*Mapp v. Ohio (1961)*

*Gideon v. Wainwright (1963)*

*Miranda v. Arizona (1966)*

*Furman v. Georgia (1972)*

*Gregg v. Georgia (1976)*

*New Jersey v. T.L.O (1985)*

*Roe v. Wade (1973)*

*Planned Parenthood v. Casey (1992)*

*Lawrence v. Texas (2003)*

## **Chapter 5: Civil Rights and Public Policy**

### ***Questions you should be able to answer:***

1. What does the U.S. Constitution say about equality?
2. What have been the different eras in the struggle for racial equality? What public policy achievements were made in each era?
3. Explain how the right to vote has been extended in the United States to include both African Americans and women. How was the struggle for suffrage among these two groups similar and different?
4. What policies have resulted from the struggle for equal rights for women? Explain the controversy over the issue of comparable worth.
5. Who are the new groups under the civil rights umbrella and what issues are they concerned about? What equality issues might arise in the near future?
6. What is meant by affirmative action? What are the pros and cons of affirmative action? How has the Supreme Court dealt with the issue of affirmative action?

### ***Terms you should be able to identify & describe:***

Civil rights	Civil Rights Act of 1964
Suffrage	poll taxes
Thirteenth Amendment	Fifteenth Amendment
24 <sup>th</sup> Amendment	19 <sup>th</sup> Amendment
Voting Rights Act of 1965	Equal Rights Amendment
Affirmative action	
Americans with Disabilities Act of 1990 (ADA)	

***Court Cases you should be able to identify & discuss***

*Plessy v. Ferguson* (1896)

*Korematsu v. United States* (1944)

*Regents of the University of California v. Bakke* (1978)

*Grutter v. Bollinger* (2003) and *Gratz v. Bollinger* (2003)

*Griswold v. Connecticut* (1965)

*Brown v. Board of Education of Topeka* (1954)

*Harper v. Virginia State Board of Elections* (1966)

*Dred Scott v. Sandford* (1857)

*Smith v. Allwright* (1944)

*Craig v. Boren* (1976)

*Reed v. Reed* (1971)

*Adarand Constructors v. Peña* (1995)

*Santa Clara Pueblo v. Martinez* (1978)