

Chapter 5, Civil Liberties
Review Questions

Name _____ Period _____

1. Civil liberties are those rights found in the _____, specifically the _____ of _____.
2. What are "competing rights" in the Constitution? Give one specific example:
3. National security is sometimes at odds with civil rights. An example would be the attempt by the NY Times to publish the _____
4. Certain groups have also been at odds with each other over competing rights, such as police organizations v. the _____
5. How do "policy entrepreneurs" affect the debate over civil liberties?
6. When do these entrepreneurs have the greatest impact?
7. During the communist scare of the 1950's, a controversial policy entrepreneur was _____
8. [Provide a modern example of how a national crisis can lead to the restriction of civil liberties?]
9. Give one example of how the Supreme Court sided with government on civil liberties in 1919. Provide a contrasting example of how the Court emphasized protection of constitutional rights 6 years latter.
10. List the four rights under freedom of expression...
 - a.
 - b.
 - c.
 - d.
11. The two sides to freedom of religion are expressed by the _____ clause and the _____ clause of the Constitution
12. Together, these two clauses lead to the concept of _____ of _____ and _____

13. Based on William Blackstone's concept of _____, the courts have ruled that the press cannot be censored.
14. The 1918 Espionage Act was challenged in the Supreme Court case _____ v. _____
15. Out of the case came the _____ test.
16. The _____ amendment specifically limited states in their actions toward its citizens
17. T / F The courts consistently applied due process restrictions to the states in the years after the Civil War.
18. [Explain the process of "incorporation"??]
19. The case of _____ v. _____ began the process of incorporation
20. T / F Historically, the courts have applied constitutional protections to various degrees based on the crisis of the times.
21. Describe the concept of "imminent lawless action".
22. List out forms of speech that are not protected under the first amendment:
 - a.
 - b.
 - c.
23. What are the three tests for libel? Of the three "tests" for libel, which do you think would be most difficult to prove? Explain why.
24. Of what form of unprotected speech was it said "I cant define it, but I know it when I see it."?

25. The above material lacks _____ and _____ merit.
26. Flag burning has been upheld as legitimate _____, though this form of speech is often restricted.
27. T / F First amendment rights are often applied to corporations and interest groups. Under what circumstances would interest groups invoke free speech?
28. The _____ clause and the _____ clause form the basis of separation of church and state
29. What analogy was used in Supreme Court opinions to show how the free exercise clause could be limited?
30. How was the original language of the establishment clause more clear than we have currently?
31. What have the courts said about busing to parochial schools?
32. Explain the three part test for determining government action as it relates to the establishment clause:
- a.
 - b.
 - c.
33. The fourth amendment states that no _____ search and seizures may take place, nor issuance of search warrants with out _____.
34. Search warrants must describe the _____ and _____ to be searched, and the _____ to be searched for.
35. Evidence illegally obtained can be thrown out of court based on the _____ rule.
36. The above rule was used to throw the evidence in the 1961 case of _____ v. _____
37. Explain the good faith exception

38. Under what circumstances can a person be arrested?

39. When a person is not forced to testify against themselves it is called protection against _____ - _____.

40. What happened in the Miranda case?

41. The 9-11 attacks led to the passage of the _____ .

42. Why would military tribunals be used over civil courts?