Note: The following includes the important terms and phrases we have covered in this first part of the course; they were discussed in the readings, in class, or both. You should know both the meaning of the term or phrase and the significance thereof, especially as it relates to civil rights and liberties. While I have not listed any of the cases we have covered, you are responsible for them as well, along with the information portrayed in the readings from the Rosenberg and O’Brien (Lanahan) books and any other assigned readings. The format of Midterm #1 will be primarily multiple choice, along with other types of questions such as short answers and essays. So, bring a pencil (and eraser) to fill in the grading sheet.

I. Supreme Court and Civil Liberties
division of broad issues on the Constitution
origins of civil liberties in the US
Declaration of Independence
Articles of Confederation
Constitution
Bill of Rights
provisions in Constitution and Bill of Rights relating to civil liberties
judicial review
Federalist #78
how does Marbury v. Madison/judicial review relate to the protection of civil liberties?

II. Incorporation of Bill of Rights
reasons for passing Bill of Rights
reasons for not passing Bill of Rights
takings clause
Civil War Amendments

III. Freedom of Speech
speech clause: hierarchy of freedoms
Congress shall make no law?
Justice Holmes’ view of freedom of speech
principle of free thought
speech vs. action
clear and present danger
Alien and Sedition Acts of 1798
Pres Lincoln during Civil War
Espionage Act of 1917
Smith Act of 1940

pro/con arguments to judicial review
judicial restraint vs. judicial activism
countermajoritarian
tyranny of the majority
political process vs. judicial supremacy
precedent and stare decisis
law evolves?
proper role of judiciary for civil liberties?
should the Supreme Court protect civil liberties?
has the Supreme Court protected civil liberties?
if the Court protects civil liberties, when?

fundamental rights
total incorporation
selective incorporation

freedom of association
traditional public forum; public forum; non-public forum
content neutral; overbroad
breach of peace laws
speech vs. conduct
hate speech
expressive association