

Civil Liberties/ Rights (PSCI 4220)
Department of Political Science
Western Michigan University
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Spring 2009
Review Sheet – Exam #1

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 Exam #1 will be primarily multiple choice, along with other types of questions such as short answers and essays. ***Bring an exam book to answer the short answer/essay questions, and a pencil (and eraser) to fill in the grading sheet for the multiple choice questions.***

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?

pro/con arguments to judicial review
judicial restraint vs. judicial activism
coutermajoritarian
tyranny of the majority
political process vs. judicial supremacy
stare decisis (in general; horizontal; vertical)
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?

II. Incorporation of Bill of Rights

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

fundamental rights
total incorporation
selective incorporation

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

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

Multiple Choice:

These are very particular questions where you must choose the correct (not the best) answer. Examples:

- 1) Which of the following is *true* regarding Justice Black's position on incorporation of the Bill of Rights, as he provided in *Adamson v. California* (1947)?
 - A. Fundamental rights should be selectively incorporated through the due process clause of the 14th Amendment, and this includes the right against self-incrimination based in the 5th Amendment
 - B. Fundamental rights should be selectively incorporated through the due process clause of the 14th Amendment, but the right against self-incrimination based in the 5th Amendment should not be so incorporated.
 - C. There should be total incorporation of the Bill of Rights.
 - D. There should be no incorporation the Bill of Rights.

- 2) Which of the following constitutional provisions enabled courts to become deeply involved in defining the extent and limits of civil liberties?
 - A. Article III
 - B. 10th Amendment
 - C. Madison's proposed amendment to the Bill of Rights that did not pass
 - D. all of the above

Essays:

Short essays include the holding and rationale of cases we studied, a particular Justice's viewpoint in an area, identifications, and definitions. Long essays delve a bit deeper into issues similar as the short essays; they include broad themes in the class, as well as questions on the assigned readings, whether or not we discussed those readings in class.