

### **Unit 3: Civil Liberties and Civil Rights**

Through the U.S. constitution, but primarily through the Bill of Rights and the Fourteenth amendment, citizens and groups have attempted to restrict national and state governments from unduly infringing upon individual rights essential to ordered liberty and from denying equal protection under the law. Likewise, it has sometimes been argued that these legal protections have been used to block reforms and restrict freedoms of others in the name of social order.

**Provisions of the U.S. Constitution's Bill of Rights are continually being interpreted to balance the power of government and the civil liberties of individuals.**

Explain how the U.S. Constitution protects individual liberties and rights.

The U.S. Constitution includes a Bill of Rights specifically designed to protect individual liberties and rights.

Describe the rights protected in the Bill of Rights.

**1<sup>st</sup> Amendment**

**2<sup>nd</sup> Amendment**

**4<sup>th</sup> Amendment**

**5<sup>th</sup> Amendment**

**6<sup>th</sup> Amendment**

**8<sup>th</sup> Amendment**

**9<sup>th</sup> Amendment**

**10<sup>th</sup> Amendment**

Explain the extent to which the Supreme Court's interpretation of the First and Second Amendments reflects a commitment to individual liberty.

<p>The interpretation and application of the First Amendment's establishment and free exercise clauses reflect an ongoing debate over balancing majoritarian religious practice and free exercise, as represented by such cases as:</p>	<p><b>Engel v. Vitale</b></p>
<p>The Supreme Court has held that symbolic speech is protected by the First Amendment, demonstrated by</p>	<p><b>Tinker v. Des Moines Independent Community School District</b></p>
<p>Efforts to balance social order and individual freedom are reflected in interpretations of the First Amendment that limit speech, including:</p>	<p><b>Time, place, and manner regulations</b></p> <p><b>Miller Test</b></p> <p><b>Clear and Present Danger Test</b></p>
<p>In <i>New York Times Co. v. United States</i> (1971), the Supreme Court bolstered the freedom of the press, establishing a "heavy presumption against prior restraint" even in cases involving national security.</p>	<p><b>prior restraint</b></p>
<p>Explain how the Supreme Court has attempted to balance claims of individual freedom with laws and enforcement procedures that promote public order and safety.</p> <p><b>Mapp v. Ohio</b></p> <p><b>Miranda v. Arizona</b></p> <p><b>Gideon v. Wainright</b></p>	

Court decisions defining cruel and unusual punishment involve interpretation of the Eighth Amendment and its application to state death penalty statutes.

**Furman v. Georgia**

**Atkins v. Virginia**

**Roper v. Simmons**

**Protections of the Bill of Rights have been selectively incorporated by way of the Fourteenth Amendment's "due process" clause to prevent state infringement of basic liberties.**

Explain the implications of the doctrine of selective incorporation.

The doctrine of selective incorporation has imposed limitations on state regulation of civil rights and liberties as represented by:

**Barron v. Baltimore**

**Gitlow v. NY**

**McDonald v. Chicago**

Explain the extent to which states are limited by the due process clause from infringing upon individual rights.

The Court has on occasion ruled in favor of states' power to restrict individual liberty, as for example, which speech can be shown to increase the danger to public safety.

**Example:**

While a right to privacy is not explicitly named in the Constitution, the court has interpreted the due process clause to protect the right of privacy from infringement. The interpretation of the due process clause has been the subject of controversy:

**Due Process**

**Roe v. Wade**

**The 14th Amendment's "equal protection clause" as well as other constitutional provisions have often been used to support the advancement of equality.**

Explain how constitutional provisions have supported and motivated social movements.

Civil rights protect individuals from discrimination based on characteristics such as race, national origin, religion, and sex; these rights are guaranteed to all citizens under the due process and equal protection clauses of the U.S. Constitution, as well as acts of Congress.

**Rational Basis**

**Intermediate Scrutiny**

**Strict Scrutiny**

**Public policy promoting civil rights is influenced by citizen-state interactions and constitutional interpretation over time.**

Explain how the government has responded to social movements.

The government can respond to social movements through court rulings and/or policies.

**Brown v. Board of Education**

**The Civil Rights Act of 1964**

**Title IX of the Civil Rights Act Amendments (1972)**

**The Voting Rights Act of 1965**

Explain how the Court has at times allowed the restriction of the civil rights of minority groups and at other times has protected those rights.

The debate on affirmative action includes justices who insist that the Constitution is colorblind and those who maintain that it forbids only racial classifications designed to harm minorities, not help them.

**Bakke v. California**