

LECTURE / DISCUSSION / DEBATE
CIVIL LIBERTIES AND CIVIL RIGHTS

Terms and concepts to know:

Treason / Bills of Attainder	Ex Post Facto / Writ of Habeas Corpus
Bill of Rights	Due Process (14 th Amendment)
1 st Amendment liberties	The “Establishment” clause
“Clear and present danger” test	“Absolute standard” v. “balancing” test
Prior restraint	Brandenburg doctrine
The “fighting words” doctrine	4 th Amendment
Miranda rights and <i>Gideon</i>	8 th Amendment
5 th / 6 th Amendments	<i>Plessy v. Ferguson</i>
<i>Brown v. the Board of Education</i>	Affirmative action and <i>Bakke</i>

Study and discussion questions:

1. Discuss some of the difficult and contentious issues surrounding the First Amendment. How do you feel about such things as freedom of speech, expression, religion, and the press? Are they all “absolute” freedoms? What sort of restrictions would you allow in each category?
2. Contending views on affirmative action reflect differing beliefs about the extent to which historical patterns of racism and discrimination have been overcome. To what extent is it legitimate to take past patterns of discrimination into account for such purposes as employment and college admissions?
3. What analogy does Sunstein make between the New Deal’s revolution in economic doctrine and the change he advocates in our interpretations of free expression and the 1st Amendment?
4. Sunstein claims that his proposals will further democracy. Critics might argue that he wants to limit liberty in a dangerous way. How would you assess these claims?
5. Relating to the Snyder article, identify the leading arguments against homosexual equality and gay marriage. What are Snyder’s arguments against each of these positions? Do you agree that these antigay perspectives serve to uphold rigid gender roles or “neo-patriarchy”?
6. The recent death of George Floyd last year in Minneapolis at the hands of local police forces suggests we are still a long way off from racial “harmony.” Things were bad before but seem to have been worse under Trump. Using the article and the film answer this question: Will things be any better under Biden? Explain your position.

Readings:

Heineman. *American Government*, Chapter 14.
WEB – Readings from the “Civil Liberties and Civil Rights” links.

Video:

Broken on All Sides: Race, Mass Incarceration & New Visions for Criminal Justice in the U.S.