**MSJC Political Science 101**

**Study Questions – Chapter 4**

NOTE: Sections marked with an asterisk (\*) must be read and questions answered at home. Sections without an asterisk will be covered in class.

4.1\*

1. What are civil liberties?
2. Explain the due process clause.
3. Explain the two sections included in the First Amendment’s freedom of religion.
4. Explain a separatist view and an accommodationist of separation of church and state.
5. Which way does the Supreme Court tilt – toward a separatist or an accommodationist view? Explain the cases that led to this tilt.
6. Explain the test the Supreme Court instructs judges to follow to decide establishment clause issues.
7. Explain three times the Supreme Court has used the lemon test to invalidate a program.
8. Explain how Jehovah’s Witnesses have pursued expanding civil liberties as they relate to the free exercise clause of the first amendment.
9. When has the Supreme Court ruled that Congress may interfere with the free exercise clause?
10. What test does the Supreme Court generally apply when making decisions about the free exercise clause?

4.2\*

1. Explain reasons why the freedom of speech may not be absolute.
2. Explain the clear and present danger test and how it is related to freedom of speech.
3. Explain political speech, symbolic and commercial speech. Which one(s) enjoy greater protection?
4. Explain the decision in *Tinker vs. Des Moines Independent Community School District, 1969* and why it was so important.
5. Explain how the Supreme Court has prohibited symbolic speech or expression.

4.3 \*

1. According to your text, why is freedom of the press so important to democracy?
2. What is meant by prior restraint and how does the Supreme Court view prior restraint?
3. Explain defamation and its connection to slander and libel and the first amendment.
4. Explain the landmark decision of *New York Times Company vs. United States, 1971*.
5. Explain reporter’s privilege and the controversy surrounding it.
6. In general, how has the Supreme Court ruled about obscenity in the press? Explain the test to determine obscenity.

4.4\*

1. Which amendment protects against improper searches and seizures? Explain the two parts of the amendment.
2. Explain the exclusionary rule and its implication.
3. What is necessary to obtain a warrant?
4. Give examples of permissible warrantless searches.
5. Explain the concept of double jeopardy and compelled self-incrimination as described in the Fifth Amendment.
6. Explain the decision in *Miranda v. Arizona, 1966*.

4.5\*

1. Explain the legal protections in the Sixth Amendment.
2. Explain the debate surrounding capital punishment and the Eight Amendment.
3. Explain aggregating and mitigating factors.

4.6\*

1. Explain the argument surrounding the right to privacy.
2. Explain the reasoning the Supreme Court used to uphold women’s right to abortion in *Roe v Wade, 1973* and *Planned Parenthood v Casey, 1992*.
3. How has the Supreme Court ruled on privacy cases involving private sexual conduct?