

Civil Liberties: First Amendment Freedoms

Chapter 19

Commitment to Freedom

1. _____ were a major element of our _____ heritage -- _____ fought to preserve/expand rights
2. many states _____ the Constitution only if a _____ was added
3. Bill of Rights -- _____ of rights
many states refused to ratify the Constitution without one
4. civil _____ - - positive _____ of the _____ that seek to make _____ guarantees a reality.
5. civil _____ - _____ against the _____ (things the government cannot do)
6. rights are not _____ - you have the right to do as you please as long as it doesn't _____ with another person's rights
7. _____ persons in the US have _____ - including _____ - though all rights aren't given to aliens

Federalism and Civil Rights

1. initially the _____ only restricted the _____ government - not _____ governments
2. some rights are guaranteed against the _____ government only
some rights are guaranteed against the _____ government only
some rights are guaranteed against _____ governments

3. _____ Amendment

"No state shall deprive any person of life, liberty, or property without due process"

extended the _____ of earlier amendments to the states - called the _____ established in _____, 1925

Gitlow was a _____ convicted in state court of _____

(crime to advocate the overthrow of the government)

Supreme Court _____ conviction though they stated the _____ extended the

_____ guarantee to the _____

has free speech even though the _____ may not agree with him

extends _____ through the 14th Amendment called process of _____ (see chart p. 549)

4. _____ Amendment

list of rights _____

9th says there are rights _____ those listed in the

_____ those "unlisted" rights belong to the _____

Freedom of Religion

1. 2 parts to religious freedom-- _____ clause and _____ clause

2. _____ clause prohibits the establishment of a _____ religion

3. religion and education

_____ Supreme Court upheld state law that provided for _____ (tax supported) of _____ school students

a _____ measure intended to benefit children no matter the school they attend

_____1962
Supreme Court outlawed, even on a _____ basis,
of a _____ or voluntary
_____ written by the New York
Board of Regents

_____1985
Supreme Court found a _____ law
unconstitutional for _____ or

NOTE: not all moment of silence laws are unconstitutional

_____1992
prohibits offering _____ as part of a school
_____ service

_____2000
prohibits _____ permitting student led
_____ at high school _____
games

_____1984
any public _____ that receives
federal funds must allow student _____
groups to meet in the school on the _____ terms
it sets for other student _____
Court upheld this in _____

_____1968
Supreme Court _____ a law that
prohibited the _____ of _____
as a scientific theory

_____ 1987
_____ a 1981 law that called for
instruction in _____ science along
with _____

_____ 1971
established the _____
states may give money to parochial schools if:
a. aid is _____ and not religious
b. aid neither _____ nor inhibits religion
c. must avoid an _____ with religion
money can be given for _____ but not salaries
church _____ used for religious purposes
is _____

4. seasonal displays

_____ 1989
Supreme Court ruled a county's _____
endorsing Christian doctrine violates _____ and
_____ can have seasonal displays as long as they don't endorse
_____ - can't have a _____ display
remember this is a _____ - not your front
yard or the front of your _____

5. _____ sessions begin with prayer - chaplain is paid

_____ 1983
prayer allowed in _____ because it's a
custom and unlike _____, adults are not
as susceptible to _____ and

6. _____
gives each _____ the right to _____
whatever they _____ to believe
as long as it does not _____,
_____, or threaten the
_____ of the community

_____ 1879
_____ case to deal with _____
clause
dealt with _____
Reynolds said his _____ amendment rights were violated
because he was not allowed to practice _____
and had been convicted by _____
for doing so
Supreme Court said the _____ doesn't prevent Congress from
_____ those actions that are
"violations of social duties or subversive of good order"

free exercise is _____ and the Court has upheld laws that _____
use of _____ in religious ceremonies
(*Bunn v. North Carolina* 1949)
require businesses to close on _____
(*McGowan v. Maryland* 1961)
require religious groups to adhere to _____ laws
(*Prince v. Massachusetts* 1944)

also cannot
force _____ children to attend school beyond
the _____ grade (*Wisconsin v. Yoder* 1972)
forbid _____ to hold _____
(*McDaniel v. Paty* 1978)
deny _____ benefits to someone
who quits because of _____ conflict
(*Frazee v. Illinois* 1989)
force someone to _____ the _____ in
violation of their _____ beliefs
(*West Virginia Board of Education v. Barnette* 1943)

can:

_____ those with _____
objections (*Welsh v. US* 1970)
require the _____ of school children
(*Jacobson v. Massachusetts* 1905)

Freedom of _____ and _____

1. right to have _____ say and _____ others have
their say

2. also protects _____ speech ie KKK, Neo-Nazi

3. remember this right is not _____

_____ - printed word

_____ - spoken word

public officials cannot sue for _____
unless statement is made with malice (know its false) or intent to
harm

4. may punish

_____ - spying

_____ - acts of destruction

_____ - levying war against/helping

the _____ of your country

_____ - attempting to overthrow government

by _____ or disrupt its lawful activities

5. _____ 1798

government could deport aliens or people who _____

the government

passed to keep _____ quiet

_____ speech is not protected by 1st

6. _____ 1917
only for duration of _____
crime to encourage _____, interfere with the
_____, obstruct _____,
inciting _____ in armed services,
hindering the sale of _____,
speaking/printing _____ about the
government

_____ 1919
Charles Schenck, member of the _____ party,
found guilty of obstructing _____
because he sent _____ to draftees
urging them _____
set up _____ rule
_____ can be _____ and those
who say them _____
when their use creates an _____
that _____ acts will follow

7. _____ 1940
still in effect
for _____ and _____ time
makes it illegal to _____ the violent
_____ of the government,
to _____ information that teaches/advocates
overthrowing the government, or knowingly _____
to such a group

_____ 1951
Supreme Court upheld the _____
_____ had been arrested for
advocating the overthrow of the government
Court expands this in _____
Smith Act applicable to _____ - not just
urging someone to believe something

8. obscenity

_____ 1973
Supreme Court _____ obscenity
something is obscene if:
a. the _____ person in the community
believes the _____ tends to excite lust
b. _____ sexual conduct
specifically dealt with in an _____
c. work lacks serious _____, _____,
_____, or _____
value
Court has _____ laws to regulate the location of
_____ establishments ie not near schools, churches, parks, etc

9. _____
cannot place prior restraint on _____ words
- can't curb _____ before they are expressed
but can punish them after they are made

_____ 1971
_____ (on Vietnam policy) stolen and
given to press
government wanted _____ to bar publication
government has approved a few instances of prior restraint in
regard to literature distributed on _____,
and right of _____ officials to prevent
school _____ from printing
(*Hazelwood School District v. Kuhlmeier*)
_____ agents can't publish anything without
permission (_____)

Media

1. state and federal courts have _____ reporters need to promise confidentiality
some states (30) have _____ - gives reporters _____ against having to name their _____
_____ 1972
_____ must answer _____ in court like anyone else
2. motion pictures
not given the same level of _____ as the press
because of its nature -- _____ rather than information
3. radio and tv
broadcasting is regulated by _____ -- prohibits indecent language - because they use public _____

Court said broadcasts do not enjoy same protection as press
_____ stations given more leeway because people subscribe to them
4. internet
little regulation thus far
attempts have been deemed _____

public libraries that receive federal funds must use _____ to block access to _____

Symbolic Speech

1. a person's _____, the way they _____, can also be a means of _____ ie picketing

2. _____ 1969
_____ wore black armbands _____
to protest _____
they were _____
Court ruled 1st amendment _____
had been _____

3. _____ 1989
Johnson burned _____ during anti-Reagan
demonstration at _____
Convention in Dallas
Court ruled _____ the flag a form of

4. not all conduct is considered symbolic speech
_____ 1968
4 men burned their _____ cards
convicted in federal court
Supreme Court _____ their conviction
acts of _____ can be punished
_____ 2003
Court upheld a state law that prohibited cross burning to intimidate

Commercial Speech

1. speech for _____ purposes
2. regulated by _____
government prohibits _____ advertising
and the advertisement of illegal _____

Freedom of Assembly and Petition

1. _____ -- to gather together to express view
2. _____ -- to bring views to government officials in a
variety of ways

3. _____ does not mean you have the right to
_____, _____ public streets, or
_____ on private property
4. government can and does regulate the _____,
_____, and _____ of assemblies
5. rules must be _____
can regulate when assembly takes place but _____
regulate on the basis of what might be _____
6. can be required to obtain a _____ to assemble
7. privately owned _____ are not places of public
assembly (*Lloyd Corporation v. Tanner, 1972*)
8. right of _____ -- right to join with others to
promote _____, _____, or
_____ causes.