**AP US Government and Politics: Civil Liberties and Civil Rights**

**Key Takeaways: Civil Liberties and Civil Rights**

1. The Constitution protects the rights and privileges of people in the United States. Some rights, such as voting, require citizenship; others, such as the right to counsel, apply to any person in U.S. jurisdiction. Rights are not absolute and may be limited for a legitimate governmental reason.
2. Civil liberties and civil rights are two distinct categories. A civil liberty is typically freedom to do something, usually to exercise a right; a civil right is typically freedom from some-thing, such as discrimination. The boundaries of civil rights and civil liberties have shifted over the history of the United States as courts have applied the laws in different ways at different times.
3. The Bill of Rights is the formal name for the first 10 amendments to the Constitution. Most of the rights within the Bill of Rights have been applied to the states through incorporation via the Fourteenth Amendment.
4. Due process is the legal concept that prohibits random or arbitrary governmental action; it is one of the rationales for applying the Bill of Rights to the states, along with the equal protection clause.
5. Social movements need clear goals and frameworks to successfully advance their causes. Notable movements include the civil rights movement, the women’s rights movement, and the LGBTQ rights movement.
6. Successful movements engage in community building within their core constituency and work in coalition with allied groups to effect desired changes. Movements must also navigate challenges between compromise and idealism. Social change is a slow process that requires work on legal, cultural, and moral fronts.
7. The Supreme Court has gone back and forth on civil liberties since its founding, producing rulings that expanded liberties from the 1950s through the 1970s and rulings that have slowly narrowed them since then.

**Key Terms: Civil Liberties and Civil Rights**

**The Bill of Rights**

* **Bill of Rights:** The first 10 amendments to the U.S. Constitution.Civil liberty: Freedom to do something, usually to exercise a right.
* **Civil right:** Freedom from something, such as discrimination.
* **Civil Rights Act of 1964:** Law signed by President Johnson that prohibited discrimination in public accommodations on the basis of race or sex.
* **Voting Rights Act of 1965:** Law signed by President Johnson that guaranteed federal enforcement of voting rights in states with histories of racial bias.
* **Title IX:** Part of the Education Amendments of 1972 signed by President Nixon that prohibited discrimination based on sex in any federally funded education programs.
* **Jurisprudence:** The study of law and legal interpretation; sometimes used to refer to a set of established legal precedents (e.g., First Amendment jurisprudence would be about cases involving the freedoms in the First Amendment).
* **Establishment clause:** The first of the two religion clauses in the First Amendment, this clause prevents the government from supporting a single religion, or religion over non-religion.
* **Free exercise clause:** The second of the two religion clauses in the First Amendment, this clause prevents the government from limiting religious exercise of citizens; free exercise is limited, not absolute, and may be constrained for a compelling reason.
* **Engel v. Vitale (1962):** Supreme Court case that struck down public payments to parochial schools; cited the establishment clause.
* **Wisconsin v. Yoder (1972):** Supreme Court case that upheld religious exemption for Amish parents and students; cited the free exercise clause.
* **Schenck v. United States (1919):** Supreme Court case that set limits on permissible speech; established the “clear and present danger” test.
* **Tinker v. Des Moines Independent Community School District (1969):** Supreme Court case that upheld for students the free speech right to protest.
* **Prior restraint:** A governmental body telling a publisher what it can and cannot publish.
* **New York Times Co. v. United States (1971):** Supreme Court case that allowed the New York Times and the Washington Post to publish the Pentagon Papers; effectively abolished prior restraint.
* **Libel:** A published, false defamatory statement.
* **McDonald v. City of Chicago (2010):** Supreme Court case that incorporated the Second Amendment to the states.

**The Fourteenth Amendment**

* **Incorporation:** The legal mechanism by which the Supreme Court applies the Bill of Rights to the states.
* **Selective incorporation:** The method used in the United States of applying the protections in the Bill of Rights on a case-by-case basis.
* **Due process clause:** A clause in both the Fifth and Fourteenth Amendments guaranteeing the right to due process in any action depriving people of life, liberty, or property.
* **Gideon v. Wainwright (1963):** Supreme Court case that incorporated the right to an attorney found in the Sixth Amendment.
* **Roe v. Wade (1973):** Supreme Court case that upheld the right of women to have access to abortion with some mandated limits; example of the use of substantive due process.

**Social Movements**

* **Seneca Falls Convention:** First organized gathering of the American women’s rights movement, in 1848.
* **Stonewall Riots:** Riots at the Stonewall Inn from June 28 to July 1 in 1969; commonly accepted as the beginning of the gay liberation movement.
* **National Association for the Advancement of Colored People (NAACP):** Organized group involved with the civil rights movement; litigated most civil rights cases, including Brown v. Board of Education (1954), argued by Thurgood Marshall.
* **Brown v. Board of Education (1954):** Supreme Court case that overturned the “separate but equal” holding from Plessy v. Ferguson (1896) and declared segregated schools unconstitutional.
* **National Organization for Women (NOW):** Women’s rights organization founded in 1966 and run by feminist leaders such as Betty Friedan, Shirley Chisholm, Pauli Murray, and Gloria Steinem.
* **Suffrage:** The right to vote; sometimes described as women’s suffrage in the American context.
* **Rev. Dr. Martin Luther King Jr.:** Leader of the civil rights movement; Baptist minister known for his advocacy of nonviolent direct action and civil disobedience.
* **Civil disobedience:** Knowingly disobeying a law that an individual considers to be unjust to bring the issue to the attention of a wider audience.

**SCOTUS and Civil Rights**

* **Separate but equal:** The holding from Plessy v. Ferguson (1896) that allowed discrimination in public accommodations as long as they were theoretically equal; overturned by Brown v. Board of Education (1954).
* **Thurgood Marshall:** Lead attorney in Brown v. Board of Education (1954) and the first African American Supreme Court justice.
* **Shaw v. Reno (1993):** Supreme Court case that mandated districts drawn along racial lines must be considered under strict scrutiny and be consistent with the Voting Rights Act of 1965.