

# Civil Liberties and the Struggle for Equal Rights

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# Freedom of Religion

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- 1st Amendment - "Establishment Clause & Free Exercise Clause"
- Establishment Clause:
  - Relates to separation of Church and State
  - Madison and Jefferson - "high wall of separation"

# Establishment Clause: High Wall of Separation

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- Engel v. Vitale (1962)
  - Recital of a prayer
- Abington School District v. Schempp (1963)
  - Daily Bible Readings
- Murray v Curlett (1963)
  - Daily Bible Readings
  
- These constitute government sponsorship of religion

# Establishment Clause:

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- Lemon v. Kurtzman (1971)
  - Advanced a three part test:
    - To avoid violating the Establishment Clause, a law must have a **secular legislative purpose**, its **primary effect** must neither advance nor inhibit religion, and it must avoid **excessive government entanglement** with religion

# Free Exercise Clause:

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- Certain religious practices may be regulated or banned
- The Key Question: Is there a “Compelling State Interest”?

# FREEDOM OF SPEECH AND PRESS

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- Schenck vs. the U.S. (1919)
  - “Clear and Present Danger” standard
  
- Gitlow vs. New York (1925)
  - "Bad Tendency" doctrine
  
- Brandenburg vs. Ohio (1969)
  - "Preferred Freedoms Test“
  
- Texas vs. Johnson (1989)
  - Flag burning

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# Unprotected Speech

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## Obscenity

- Roth vs. the U.S. (1957)
  - Based on community standards does a work of art/literature appeal to “prurient interests?”
- Miller vs. California (1973)
  - Does the work lack serious “literary, artistic, political or scientific value?”

## Libel

# 4<sup>th</sup> Amendment: Search and Seizures

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- Mapp vs. Ohio (1961)
  - Exclusionary Rule

# 5<sup>th</sup> Amendment: Confession and Self-Incrimination

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- Miranda vs. Arizona (1966)

# 6th Amendment - Right to Trial by Jury/have an Attorney

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- Gideon vs. Wainwright (1963)
- The Process of “Selective Incorporation”

# 8<sup>th</sup> Amendment: Cruel and Unusual Punishment

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- Furman vs. Georgia (1972) and the Death Penalty

# Right to Privacy

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- Griswold vs. Connecticut (1965)
- Roe vs. Wade (1973)
- Webster vs. Reproductive Health Services (1989)
- Planned Parenthood of Southeastern Pennsylvania vs. Casey (1992)

# THE STRUGGLE FOR EQUAL RIGHTS

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- **Educational, Economic, and Political Equality Among African Americans:**
- Dred Scott vs. Sanford (1857) –
- 13th Amendment - outlawed slavery
- 14th Amendment - made former slaves citizens
- 15th Amendment - gave former slaves voting rights

# Discrimination Against African Americans

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- Jim Crow Laws
- Poll Taxes
- Literacy Tests
- 1896 - Plessy vs. Ferguson (1896) –
- “Separate but equal” remained the law of the land until the mid 1950's.

# Discrimination Against African Americans

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- Brown vs. Board of Education
- Events in the South, 1950' s – 1960' s
- Civil Rights Act of 1964
- Voting Rights Act of 1965

# Affirmative Action

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- Arguments for and against