Unit V Key Terms

KEY TERMS:

CIVIL LIBERTIES/CIVIL RIGHTS

(Underlined terms have appeared on the multiple choice sections of past released AP exams)

**Civil Liberties**: personal freedoms, e.g., speech, assembly, religion.

**Civil Rights**: protections against discrimination.

**Clear and present danger doctrine**: judicial interpretation of Amendment 1 that government may not ban speech unless such speech poses an imminent threat to society

**De facto segregation**: segregation “by fact,” i.e., segregation that results from such factors as housing patterns rather than law.

**Double jeopardy**: being prosecuted twice for the same offense. Banned by Amendment 5.

**Due process clause**: prohibits the national government (5th Amendment) and states (14th Amendment) from denying life, liberty or property without due process of law.

**Equal protection clause**: 14th Amendment clause that prohibits states from denying equal protection under the law, and has been used to combat discrimination.

**Eminent domain**: the right of government to take private property for the public good. Fair compensation must be paid to the owner of such property.

**Establishment clause**: provision of Amendment 1 that prohibits Congress from establishing an official state religion. This is the basis for separation of church and state.

**Exclusionary rule**: Supreme Court guideline that excludes the use of illegally obtained evidence in a criminal trial.

**Free exercise clause**: provision of Amendment 1 stating that Congress may not prohibit the free exercise of religion.

**Grandfather clause**: Southern laws that excluded blacks from exercising suffrage by restricting the right to vote only to those whose grandfathers had voted before 1865.

**Grand jury**: determines whether or not to bring criminal charges against a suspect.

**Incorporation**: applying the Bill of Rights to the states. A “**total incorporation**” view is that the states must obey all provisions of the Bill of Rights because of the due process clause of the 14th Amendment. A “**selective** **incorporation**” view is that the Bill of Rights is to be applied to the states in a more gradual manner on a case by case basis, also via the due process clause of the 14th Amendment.

**Indictment**: grand jury order that a suspect must stand trial for a criminal offense.

**Jim Crow Laws**: Southern laws that required racial segregation in places of public accommodation.

**Libel**: written untruths that damage a reputation.

**Literacy test**: Southern method of excluding blacks from exercising suffrage by requiring that voters prove their ability to read and write.

**Miranda warnings**: warnings that must be read to suspects prior to questioning. Suspects must be advised that they have the rights of silence and counsel.

**Plea bargain**: arrangement in which a suspect pleads guilty to a lesser offense in order to avoid a trial. The manner in which most cases are disposed of.

**Police powers**: powers that allow states to pass laws protecting the health, welfare, safety, and morals of their residents.

**Poll tax**: Southern method of excluding blacks from exercising suffrage by requiring payment of a tax prior to voting.

**Prior restraint**: When a court stops expression before it is made, e.g., prohibiting a demonstration by a radical group because the assembly is likely to become violent. Presumed to be unconstitutional.

**Racial gerrymandering**: drawing of legislative boundaries to give electoral advantages to a particular racial group. “Majority-minority” districts include large numbers of racial minorities in order to ensure minority representation in legislatures.

**Sedition**: advocacy of the overthrow of the government.

**Separate but equal**: Supreme Court doctrine established in the case of Plessy v. Ferguson. Allowed state-required racial segregation in places of public accommodation as long as the faculties were equal.

**Shield laws**: state laws that protect journalists from having to reveal their sources.

**Slander**: spoken untruths that damage a reputation.

**Strict scrutiny**: Supreme Court guideline for determining if government can make racial distinctions. According to this guideline, such distinctions are highly suspect and are allowed only if they are narrowly tailored to serve a compelling government interest.

**White primary**: primary election in which Southern states allowed only whites to vote.