APGoPo – Unit 2
CIVIL LIBERTIES AND CIVIL RIGHTS VOCAB

Ch. 14 – Civil Liberties

1. **Writ of *habeas corpus*** – A court order requiring explanation to a judge why a prisoner is being held in custody.
2. **Ex post facto law** – Retroactive criminal law that works to the disadvantage of a person.
3. **Due process clause** – Clause in the Fifth Amendment limiting the power of the national government; similar clause in the Fourteenth Amendment prohibiting state governments from depriving any person of life, liberty, or property without due process of law.
4. **Selective incorporation** – The process by which provisions of the bill of rights are brought within the scope of the Fourteenth Amendment and so applied to state and local governments.
5. **Establishment clause** – Clause in the First Amendment that states that Congress shall make no law respecting an establishment of religion. The Supreme Court has interpreted this to forbid governmental support to any or all religions.
6. **Free exercise clause** – Clause in the First Amendment that states that Congress shall make no law prohibiting the free exercise of religion.
7. **Clear and present danger test** – Interpretation of the First Amendment that holds that the government cannot interfere with speech unless the speech presents a clear and present danger that it will lead to evil or illegal acts.
8. **Prior restraint** – Censorship imposed before a speech is made or a newspaper is published; usually presumed to be unconstitutional.
9. **Unprotected speech** – Libel, obscenity, and fighting words which are not entitled to constitutional protection in all circumstances.
10. **Libel** – Written defamation of another person. For public officials and public figures, the constitutional tests designed to restrict libel actions are especially rigid.
11. **Obscenity** – Quality or state of a work that taken as a whole appeals to a prurient interest in sex by depicting sexual conduct in a patently offensive way and that lacks serious literary, artistic, political, or scientific value.
12. **Fighting words** – Words that by their very nature inflict injury on those to whom they are addressed or incite them to acts of violence.
13. **Civil disobedience** – Deliberate refusal to obey law or comply with orders of public officials as a means of expressing opposition.
14. **Property rights** – The rights of an individual to own, use, rent, invest in, buy, and sell property.
15. **Eminent domain** – The power of a government to take private property for public use; the U.S. Constitution gives national and states governments this power and requires them to provide just compensation for property so taken.
16. **Due process** – Established rules and regulations that restrain government officials.
17. **Procedural due process** – Constitutional requirement that governments proceed by proper methods; limits how (the procedure) government may exercise power.
18. **Substantive due process** – Constitutional requirement that governments act reasonably and that the substance of the laws themselves be fair and reasonable; limits what (the substance) the government may do.
19. **Search warrant** – A writ issued by a magistrate that authorizes the police to search a particular place or person, specifying the place to be searched and the objects to be seized.
20. **Exclusionary rule** – Requirement that evidence unconstitutionally or illegally obtained be excluded from a criminal trial.
21. **Grand jury** – A jury of 12 to 23 persons who, in private, hear evidence presented by the government to determine whether persons shall be required to stand trial. If the jury believes there is sufficient evidence that a crime was committed, it issues an indictment.
22. **Petit jury** – A jury of 6 to 12 persons that determines guilt or innocence in a civil or criminal action.
23. **Indictment** – A formal written statement from a grand jury charging an individual with an offense; also called a true bill.
24. **Plea bargain** – Agreement between a prosecutor and a defendant that the defendant will plead guilty to a lesser offense to avoid having to stand trial for more serious offense.
25. **Double jeopardy** – Trial or punishment for the same crime by the same government; forbidden by the Constitution.

Ch. 15 – Civil Rights

1. **Civil rights** – The rights of all people to be free from irrational discrimination such as that based on race, religion, sex, or ethnic origin.

2. **Natural rights** – The rights of all people to dignity and worth; also called human rights.

3. **Affirmative action** – Remedial action designed to overcome the effects of discrimination against minorities and women.

4. **Naturalization** – A legal action conferring citizenship on an alien.

5. **Women's suffrage** – The right of women to vote.

6. **Equal protection clause** – Clause in the Fourteenth Amendment that forbids any state to deny to any person within its jurisdiction the equal protection of the laws. By interpretation, the Fifth Amendment imposes the same limitation on the national government. This clause is the major constitutional restraint on the power of governments to discriminate against persons because of race, national origin, or sex.

7. **Due process clause** – Clause in the Fifth Amendment limiting the power of the national government; similar clause in the Fourteenth Amendment prohibits the state governments from depriving any person of life, liberty, or property without due process of law.

8. **Literacy test** – Literacy requirements some states imposed as a condition of voting, generally used to disqualify black voters in the South; now illegal.

9. **White primary** – Democratic Party primary in the old "one-party South" that was limited to white people and essentially constituted an election; ruled unconstitutional in 1944.

10. **Racial gerrymandering** – The drawing of election districts so as to ensure that members of a certain race are a minority in the district; ruled unconstitutional in 1960.

11. **Poll tax** – Tax required to vote; prohibited for national elections by the Twenty-Fourth Amendment (1964) and ruled unconstitutional for all elections in 1966.

12. **Majority-minority district** – A congressional district created to include a majority of minority voters; ruled constitutional so long as race is not the main factor in redistricting.

13. **Jim Crow laws** – State laws formerly pervasive throughout the South requiring public facilities and accommodations to be segregated by race; ruled unconstitutional.

14. **Commerce clause** – The clause of the Constitution (Article I, Section 8, Clause 3) that gives Congress the power to regulate all business activities that cross state lines or affect more than one state or other nations.

15. **Class action suit** – Lawsuit brought by an individual or group of people on behalf of all those similarly situated.

16. **Restrictive covenant** – A provision in a deed to real property prohibiting its sale to a person of a particular race or religion. Judicial enforcement of such deeds is unconstitutional.

17. **De jure segregation** – Segregation imposed by law.

18. **De facto segregation** – Segregation resulting from economic or social conditions or personal choice.