All homework must be done in your Homework Notebook.
All homework must be handwritten.
All questions MUST be written.
All questions should SHOW A SIGNIFICANT AMOUNT OF EFFORT and BE IN YOUR OWN WORDS.
Copying answers from the documents will not be accepted.
Makeup homework will only be accepted in the event of an excused absence with a parental note.
Other assignments will be given throughout the semester.

**HW RUBRIC**

<table>
<thead>
<tr>
<th>Grade</th>
<th>Description</th>
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<tbody>
<tr>
<td>✓ = (10 points)</td>
<td>This HW shows &quot;serious effort&quot;, including &quot;extensive&quot; answers to all aspects of the HW. Answers provide specific details, citing &quot;numerous examples&quot;. Proper grammar and spelling should also be apparent in this HW.</td>
</tr>
<tr>
<td>✓ = (5 points)</td>
<td>This assignment may not have the questions written, may have missing questions and answers, or contain very little details or little effort.</td>
</tr>
<tr>
<td>No Credit</td>
<td>This HW will either have failed to answer all required tasks, or provide no examples or details. The assignment may have been copied (plagiarism) or have completely disregarded the direction for the assignment.</td>
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**HW 1. COURSE REQUIREMENTS SLIP**

Bring in the signed (by your parent or guardian) copy of the classroom guidelines to class. Rip off and submit only the signed bottom of the sheet! You keep the top for reference.

**HW 2. SEMESTER PROJECT** (Come back to this homework later when the project sheet is given out)

a. In one paragraph explain as many details as possible about how to do this project. Be sure to explain exactly what must be done citing specific details. (minimum length 2 paragraphs).

b. What is the due date for this project? What are the consequences for not completing the project on time? How long do you expect it to take you? How is this project connected to what you will be doing in class?

**HW 3. THE CONSTITUTION**

a. Describe with many DETAILS, IN YOUR OWN WORDS the six basic principles of the Constitution.

b. Explain which 2 principles you think are the most important to having a good government. Provide 2 reasons for each.

*C. Find a print a RECENT and highly RELEVANT article from the nytimes.com, washingtonpost.com, wsj.com that shows one or two principles of the constitution. Explain this principle of the constitution in action. Does this principle seem to be working? Why or why not?*** You will get no credit for this assignment if you skip task C. (article!)

**Judicial Review** - The power of judicial review is the power of courts to determine whether what government does is in accord with what the constitution provides. The role of the Judicial branch is to determine whether or not a law is constitutionally acceptable. That means that any laws that the government creates cannot break any of our constitutional rights such as freedom of speech. Judicial review is the power to declare unconstitutional, illegal, null, and void of a government action that violates some provision in the Constitution.

**Popular Sovereignty** - All of the power lies in the hands of people of the United States who are sovereign. Government can only govern if it is given permission by those who are governed. The overall meaning of popular sovereignty is that the National Government draws its power from the people of the United States and that the people have given their government the power that it has threw the constitution. The government only has the power to make decisions because the people who are governed by them give them the power to do so but if the government abuses the power that they have been given the people have the right to overthrow their government and change it.

**Separation of Powers** - In a parliamentary system the legislative, executive, and judicial powers of government are all gathered in the hands of a single agency. Our government runs almost the same except the three powers are separated. This is called a presidential system where the three powers are separated into three distinct and independent branches. Our constitution distributes the powers of the National Government among Congress, the President, and the courts.

**Checks and Balances** - The government is organized around three separate branches. Though the constitution says that these three powers must be separated they are still connected and are not completely independent of each other. What ties them together is known as checks and balances. This means that each branch is subject to a number of constitutional restraints or checks by the other branches. This means that each branch has certain powers with which it can check the operations of the other two. Congress has the power to make laws but the president may veto any act of congress but Congress can also override a presidential veto by two-thirds vote in each house. Checks and balances gives power to each branch to override the other and make sure they are in line.

**Federalism** - Our government works in a federal form by distributing the powers that they have on a territorial basis. The principle of federalism is the division of power among a central government and several regional government. By spreading the powers throughout the different states the Framers of the constitution built a stronger, more effective national government while preserving the existing states and the concept of local self government.

**Limited Government** - The principle of limited government explains itself in the title. Limited Government means that the government may only do things that the people that they have government give them the power to do. Unlike popular sovereignty limited government is the opposite where the people are the only source of any and all of governments authority and government has only that authority that people have given to it. The overall theme of this principle is that the government must follow the law. The government must follow all constitutional laws and principles for it to be able to have control over the people and to make decisions.
HW 4. SEPARATION OF POWERS and CHECKS and BALANCES

a. How does the Constitution separate the powers of our three branches? (CITE examples for each branch)

b. Explain 2 examples of one branch interacting (checking and balancing) another branch.

c. Does separating power among THREE parts seem to be good or bad for government? (Cite 3 reasons)

Separation of powers serves several goals. Separation prevents concentration of power (seen as the root of tyranny) and provides each branch with weapons to fight off encroachment by the other two branches. As James Madison argued in the Federalist Papers (No. 51), “Ambition must be made to counteract ambition.” Clearly, our system of separated powers is not designed to maximize efficiency; it is designed to maximize freedom.

SEPARATION OF POWERS, Three Branches of Government

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**Article I-Legislative**

The first article of the Constitution says “ALL legislative powers...shall be vested in a Congress. To regulate commerce with foreign nations, and among the several states...; To declare war... and make rules concerning captures on land and water; To make all laws which shall be necessary and proper for carrying into execution the foregoing powers...”

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**Article II-Executive**

The second article vests “the executive power...in a President.”

The President shall be commander in chief of the Army and Navy of the United States... Shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, He shall take care that the laws be faithfully executed (enforced),

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**Article III-Judicial**

The third article places the “judicial power of the United States in one Supreme Court” and “in such inferior Courts as the Congress...may establish.” The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, which shall be made... Marbury V. Madison “It is the responsibility and duty of the Judicial Branch to say what the law is. Those who apply the rule to particular cases must, of necessity, explain and interpret that rule. If two laws conflict with each other, the Courts must decide the [constitutionality] of each.” -Justice Marshall

HW 5. FEDERALISM

a. Explain how the 10th amendment divides power?

b. Map: Explain how federalism impacts our government’s policies on medical marijuana?

(3 ideas)

c. Explain why this is good or bad (3 reasons).

A) 10th Amendment

The powers not delegated to the United States (federal government) by the constitution, ..., are reserved to the States respectively, ...

Federalism and Democracy By David J. Bodenhamer

Federalism is a system of shared power between two or more governments with authority over the same people and geographical area. In the US, laws of the national government, located in Washington, apply to any individual who lives within the national boundaries, while laws in each of the 50 states apply to residents of those states alone. Under the U.S. Constitution, Congress does not have the power to abolish a state nor can a state assume a power intended for the national government alone. Under American federalism, in fact, the U.S. Constitution is the source of authority for both national and state governments. This document, in turn, reflects the will of the American people, the ultimate power in a democracy.

CENTRAL GOVERNMENT VS. STATE GOVERNMENT

In a federal nation, the central government has defined powers, with full sovereignty over external affairs. Under the Constitution, the U.S. government has exclusive power to regulate interstate and foreign commerce, coin money, provide for the naturalization of immigrants and maintain an army or navy, among other things. These areas are ones in which national interests clearly supersede state interests and are properly reserved for the national government. In other areas of domestic policy, however, the central and state governments may have parallel or overlapping interests or needs. Here, power may be exercised simultaneously by both state and national governments; chief among these concurrent powers is the power to tax. And in areas where the Constitution is silent regarding national authority, states may act provided they do not conflict with powers the central government may legally exercise.


HW 6. INTEREST GROUPS

a. Explain the goal of an “Interest Group”?

b. Explain how political parties are different from interest groups?

c. Are interest groups helpful or harmful to our government?

Interest groups play an important role in American politics. In America, as with other democracies, other institutions exist apart from the political parties, to organize and transmit to government and politicians the views of different sections of society. Interest groups allow this to happen. These organizations are pressure or interest groups, and they provide the link between the people and the government. An organization such as Greenpeace would lobby for the interests of environmental issues; the pro/anti gun groups would lobby for the interests of those concerned with either side of the gun issue. The word “interest” is seen as being less forceful than the word “pressure” which could hint at vaguely undemocratic tendencies and processes as a pressure group goes about the work it does to support its beliefs - especially if they represent a minority of people within a community. The differences between interest groups and political parties are often hard to see, but generally, political parties nominate candidates for elective office, seek to win and then staff these offices, by appealing to the electorate. Pressure groups, on the other hand, usually offer candidates in elections, or seek to gain political power by holding positions in office, but try to influence legislation by mobilizing public opinion. Pressure groups can be called to give evidence at Congressional hearings and give evidence to government departments on their specific area(s) of concern. A pressure group may therefore be described as “an organized body of individuals who share some goals and who try to influence public policy.”
HW 7. WHAT POLITICAL PARTY DO YOU SUPPORT?

Research: use the following websites: RNC.org and DNC.org

a. Explain 3 “typical beliefs” of a Democrat and explain 3 “typical beliefs” of a Republican (6 total).

b. Will you register as a Democrat, Republican or Independent. Explain 3 reasons.

c. CARTOON: Explain the meaning of the cartoon below.

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HW 8. CONGRESS: THE FIRST BRANCH

a. Explain bicameralism. Explain how and why our legislature is bicameral.

b. Explain at least 5 differences between the House and Senate. (Make this chart on a separate sheet of paper.)

c. Explain two reasons why this may be good and two reasons why it may be bad to have two separate parts of congress.

The Legislative Branch

Congress, the primary lawmaking body of the U.S. government, meets at the United States Capitol in Washington D.C. Members of Congress introduce legislative proposals called bills or resolutions. Members vote on the proposals, which are then sent to the Executive branch to be approved. Members of Congress also review the work of executive agencies to determine if they are following government policy.

The duties of the legislative branch were decided during the Philadelphia Convention. During the Convention, the delegates debated at length about how to form the Legislative Branch—delegates from large states wanted the number of representatives decided by the number of citizens in the state, but delegates from the smaller states were worried they would have no power. To compromise, the delegates decided the Congress would be a bicameral legislature—a lawmaking body with two houses—consisting of the House of Representatives and the Senate to ensure everyone had equal representation. - http://kids.clker.house.gov/high-school/lesson.html?intID=1

<table>
<thead>
<tr>
<th>The House of Representatives</th>
<th>The Senate</th>
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<tr>
<td>The House of Representatives has 435 voting Members and five Delegates, each serving a two year term, and one Resident Commissioner who serves for four years. The House of Representatives is referred to as the lower house of the United States Congress, because it has more Members than the Senate. It also has powers not granted to the Senate, like the ability to elect the President if the Electoral College is tied. The creation of the House of Representatives addressed the wishes of the delegates from larger states during the Philadelphia Convention. States are divided into congressional districts, based on population, and each Congressional district is represented by one Member. If an entire state’s population does not meet the population criteria for a district, then a Member is elected “at large,” meaning he or she represents the entire state. Both Vermont and Montana are represented by Members at Large.</td>
<td>The Senate has 100 members and is the upper house of the United States Congress. It is called the upper house because it has fewer members than the House of Representatives and has powers not granted to the House, such as giving approval to appointments of Cabinet secretaries and federal judges. The creation of the Senate addressed the concern of the delegates from smaller states at the Philadelphia Convention because each state, regardless of the size of its population, is represented by two Senators. Senators serve six year terms and both Senators from the same state are never up for re-election at the same time.</td>
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HW 9. MULTIPLE CHOICE EXAM REVIEW SHEET –

The purpose of this assignment is to prepare you for the very challenging 50 question multiple choice exam.

*aThis sheet will be distributed in class but can also be printed from the class website

a. First organize your materials. Use the list you are given in class to gather all of the worksheets you will need to study for the exam. Identify which sheets you are missing and print them from www.mr-n.weebly.com.

b. Complete the review sheet given to you in class. Each box must contain specific facts and details. It must be evident that you used specific facts from the class worksheets (not vague details from memory) to receive credit. This will be graded like any other homework.

*After completing the sheet, you should spend significant time using it to study
HW 10. ELECTIONS: ELECTORAL COLLEGE


b. Explain how electoral votes are awarded to a candidate? How does the Electoral College determine the winning candidate?

c. Why did the Founding Fathers create this system? Do you agree with Hamilton’s statements (in italics below)?

The Electoral College by Timothy A. Cantrell
The Electoral College was a way in which the states would have a voice in the election of a President. States are represented in the Electoral College according to their total number of representatives in the legislative branch. In other words, a state like Kentucky has 6 Representatives and 2 Senators; this means that Kentucky has 8 electoral votes.

The presidential election should be viewed as 51 separate elections for electoral votes. (50 States and D.C.) The reasons they are considered separate elections is that the candidate with most votes in a state gets all of the “electoral votes” (the number on each state above) for winning that state. The key to victory is to win enough votes to win enough states to reach at least 270 electoral votes (a majority of the total)

Remember: The candidate who wins most votes in a state gets all the electoral votes of that state.

Why Was the Electoral College Created?
The Electoral College was created for two reasons. The first purpose was to create a buffer between population and the selection of a President. The founding fathers were afraid of direct election to the Presidency. They feared a tyrant could manipulate public opinion and come to power. Hamilton wrote in the Federalist Papers: It was equally desirable, that the immediate election should be made by men most capable of analyzing the qualities adapted to the office of president, and acting under circumstances favorable to deliberation (thought), and to a judicious (wise) combination of all the reasons … which were proper to govern their choice. A small number of persons, selected by their fellow-citizens from the general mass, will be most likely to possess the information and discernment requisite to such complicated investigations. … This evil was not least to be dreaded in the election of a magistrate, who was to have so important an agency in the administration of the government as the President of the United States. But the precautions which have been so happily concerted in the system under consideration, promise an effectual security against this mischief.


HW 11. PRESIDENT: THE EXECUTIVE BRANCH

a. Explain: How do the two powers of the presidency can be interpreted.

b. Explain the president’s actions in both cases. Do you agree with their actions?

c. Explain with 2 reasons why court SHOULD or SHOULD NOT limit the power of the president.

Two very different views of executive power have been articulated by past presidents. One view, the “strong president” view, favored by presidents such as Theodore Roosevelt essentially held that presidents may do anything not specifically prohibited by the Constitution. The other, “weak president” view, favored by presidents such as Howard Taft, held that presidents may only exercise powers specifically granted by the Constitution or delegated to the president by Congress under one of its enumerated powers.

Sheet & Tube Co. v Sawyer (1952) arose when President Harry Truman, responding to labor unrest at the nation’s steel mills during the Korean War, seized (took) control of the mills. Six-members (a majority) of the Court concluded that Truman’s action exceeded his authority under the Constitution. But, seven justices indicated that the power of the President is not limited to those powers expressly granted in Article II. Had the Congress not expressly disapproved of Truman’s seizure of the mills, the president’s actions might have been upheld.

United States v Richard Nixon: Executive privilege is the right of the President to withhold certain information sought by another branch of government. It was first created by President Jefferson in response to a subpoena (request for information at a trial) from John Marshall in the famous treason trial of Aaron Burr. The Supreme Court’s first major pronouncement on the issue, however, did not come until 1974 in United States v Richard Nixon. The case involved the refusal to President Nixon to turn over to Watergate Special Prosecutor Leon Jaworski several hours of Oval Office tapes believed to concern the Watergate break-in and the cover-up of the break-in. Although the Court unanimously concluded that the Constitution does indeed contain an executive privilege, the Court said the privilege was not absolute. Balancing the interests in the Nixon case, the Court found the privilege did not extend to the requested Watergate tapes and forced Nixon to submit them to the court.

HW 12. SHORT ANSWER EXAM REVIEW SHEET –

The purpose of this assignment is to prepare you for the short answer exam.

*This sheet will be distributed in class but can also be printed from the class website

a. First organize your materials. Use the list you are given in class to gather all of the worksheets you will need to study for the exam. Identify which sheets you are missing and print them from www.mp-n-weekly.com.

b. Complete the review sheet given to you in class. Each box must contain specific facts and details. It must be evident that you used specific facts from the class worksheets (not vague details from memory) to receive credit. This will be graded like any other homework.

*After completing the sheet, you should spend significant time using it to study
A) Explain the power that Article III gives to the Supreme Court.

B) Describe two checks and balances that Congress has on the Supreme Court.

C) Explain the two ways that a case reaches the Supreme Court.

**SUPREME COURT**

The Constitution and the Supreme Court: the Constitution is very clear about the position of the Supreme Court as stated in Article III.

"The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish... The judicial power shall extend to all cases, in law and equity, arising under the Constitution, the laws of the United States and Treaties."

**ARTICLE III** states very little else (Section 3 refers to treason) and it is in this short section of the Constitution that the power of the Supreme Court emanates. Ironically, it is unclear whether the Founding Fathers intended the Supreme Court to have such power and the written record of debate on this issue contains very few references to the power that this body should have or might develop.

**The structure of the Federal courts**

The Constitution places the Supreme Court at the head of the federal judicial system in America. Congress does have the right to establish inferior courts and it has taken the opportunity to do this. Originally, Congress established three circuit courts of appeal and thirteen district courts. Since then, the federal court system has expanded to eleven circuit courts of appeal plus one for Washington DC, and ninety-four district courts. Under Article I of the Constitution, Congress has also established four legislative courts. They are those of the District of Columbia, territorial courts, tax courts and the Court of Military Appeals.

**District courts are courts of original jurisdiction.** That is, they are the basic trial courts of the federal system. Most decisions taken in these courts are usually final but they can be reviewed by the Courts of Appeal. The Courts of Appeal are organized into circuits and they may only hear appeals from within their own circuits. The Supreme Court is the final court of appeal. It can hear cases from the inferior federal courts and from state courts when a federal issue is involved. Federal issues include crimes against America, disputes between citizens of different states, disputes between US citizens and a foreign nation and actions arising under the Constitution. There are two ways in which a case can be referred to the Supreme Court. The first is a direct appeal from the lower federal courts if a constitutional issue is deemed to be involved. The second way is by petitioning for a writ of certiorari. This means that the records of a case in a lower federal court are sent to the Supreme Court for review. Such a writ can only be granted with the agreement of four justices of the Supreme Court.

**THE SUPREME COURT** acts as a court of original jurisdiction in very rare cases only. It would be extremely unlikely that a case would go straight to the Supreme Court and bypass the lower federal courts. Article III, Section 2 is very clear when it states that this only happens in "cases affecting Ambassadors, public ministers and consuls and those in which a state shall be a party."

Alexander Hamilton wrote, "the complete independence of the courts of justice is peculiarly essential in a limited constitution." To maintain full judicial independence, the Constitution clearly states, in Article III, that judicial power lies with the Supreme Court and Congress shall have no power to create additional inferior federal courts established by Congress. The Article also clearly states that judges cannot be dismissed or receive unfavorable treatment simply because they make a judgement that does not find political support and/or favor from the party in power.

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**HW 13: COURTS; JUDICIAL BRANCH**

A) Explain the two different clauses that deal with religion in the constitution.

B) Why is it difficult to understand the meaning of the establishment clause?

C) How was the freedom of religion different after 1940 compared to before?

D) Does the Pledge of Allegiance violate the “establishment” clause by supporting a religion?

**A) "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof ... ."**

Two clauses of the First Amendment concern the relationship of government to religion: the Establishment Clause and the Free Exercise Clause. Although the clauses were intended by the framers to serve common values, there is some tension between the two. For example, some people might suggest that providing a military chaplain (religious minister) for troops stationed overseas violates the Establishment Clause, while others might suggest that failing to provide a chaplain violates the Free Exercise Clause rights of the same troops. We will, however, postpone discussion of how the two clauses ought to be reconciled, and begin with an examination of the meaning of the Establishment Clause.

**B) At an absolute minimum, the Establishment Clause was intended to prohibit the federal government from declaring and financially supporting a national religion, such as existed in many other countries at the time of the nation’s founding.** It is far less clear whether the Establishment Clause was also intended to prevent the federal government from supporting Christianity in general. Of all the early interpretations of the clause point out that the same First Congress that proposed the Bill of Rights also opened its legislative day with prayer and voted to apportion federal dollars to establish Christian missions in the Indian lands. On the other hand, persons seeing a far broader meaning in the clause point to writings by Thomas Jefferson and James Madison suggesting the need to establish “a wall of separation” between church and state.

**C) Before 1940**

Before 1940, only one state constitution — ironically, the Constitution of Utah (1896) — had a provision mandating “no union of Church and State.” For much of the 19th century, state constitutions commonly acknowledged and supported communion (usually Christian) beliefs and practices. “In God We Trust” and similar confessions appeared on currency, stamps, state seals and government stationery. The Ten Commandments and other Bible verses were inscribed on the walls of many courthouse, public schools and other public buildings. Crucifixes and other Christian symbols were erected in some state parks and on statehouse grounds. Flags flew at half staff on Good Friday, Easter, Christmas and other Christian holy days. In 1861, Congress passed a law providing religious claimants with special protections from general laws that ran afoul of core claims of conscience or central commandments of faith. Since the mid-1960s, however, the Court has weakened the free-exercise clause, requiring only that laws be “neutral” and “generally applicable” to pass constitutional muster. Similarly, in more than 30 cases from 1947 to 1989, the Court created a strong establishment clause, emphasizing especially the principle of separation of church and state. This eroded many traditional privileges and protections of public Christianity, particularly in the public schools.

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**Continued on next page ▶**
D) **PLEDGE OF ALLEGIANCE**
The Pledge of Allegiance was written in August 1892 by the Francis Bellamy. In 1923, the words, "the Flag of the United States of America" were added. So at this time it read:

"I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation, indivisible, with liberty and justice for all."

In 1954, in response to the Communist threat of the times, President Eisenhower encouraged Congress to add the words "under God," creating the 31-word pledge we say today. Bellamy's daughter objected to this alteration. Today it reads:

"I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

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HW 15. **FREEDOM OF RELIGION: FREE EXPRESSSION**

**A)** Why does the "free expression" clause have some limits?

**B)** Which should be more important: society's laws or the right to practice religious beliefs?

**C)** Explain the result of Locke v. Davey. Explain why agree or disagree with the decision?

**D)** Explain what happened to Alamo car rental. Do you agree or disagree with this decision?

"Congress shall make no law ... prohibiting the free exercise (of religion)"

A/B) Above is the free-exercise clause of the First Amendment. The free-expression clause pertains to the right to freely exercise one's religion. It states that the government shall make no law prohibiting the free exercise of religion. Although the text is *absolute*, the courts place some *limits* on the exercise of religion. For example, courts would not hold that the First Amendment protects human sacrifice even if some religion required it. The Supreme Court has interpreted this clause so that the freedom to believe is absolute, but the ability to act on those beliefs is not.

Questions of free exercise usually arise when a citizen's civic obligation to comply with a law conflicts with that citizen's religious beliefs or practices. If a law specifically singled out a specific religion or particular religious practice, under previous Supreme Court rulings it would violate the First Amendment. Controversy arises when a law is generally applicable and religiously neutral but nevertheless has the "accidental" or "unintentional" effect of interfering with a particular religious practice or belief.

C) **LOCKE v. DAVEY, 2004**

In 2004, the Supreme Court in Locke v Davey considered the reach of "FREE EXERCISE" clause. In a case involving a Washington State scholarship program for gifted students. The program allowed students receiving a state scholarship to pursue any major, with one exception: a degree in devotional theology. When Joshua Davey, a scholarship recipient, was denied funding to pursue a theology program at Northwest, a private religious college, he sued, alleging that Washington had violated his Free Exercise Clause. Chief Justice Rehnquist, writing for a 7 to 2 majority, found that the Free Exercise Clause "interfering with a particular religious practice or belief.

"The State's interest in not funding the pursuit of devotional degrees is substantial and the exclusion of such funding places a relatively minor burden on Promise Scholars. If our room exists between the two Religion Clauses, it must be here." — SC Justice W. Rehnquist

D) **COMPANY MUST PAY MUSLIM WOMAN FOR BANNING SCARF**

By The Associated Press, 06.04.07

PHOENIX — A federal jury has ordered Alamo Rent A Car to pay a Muslim woman $287,640 for firing her because she refused to remove a head scarf she was wearing during the holy month of Ramadan. The firing of Bilan Nur, then 22, came just four months after the Sept. 11, 2001, terror attacks. The federal Equal Employment Opportunity Commission sued the company for what it termed a "post 9/11 backlash," alleging that she was fired because of her religious beliefs in violation of the Civil Rights Act of 1964. The jury in the three-day trial awarded Nur $21,640 in back wages, $16,000 in compensatory damages and $250,000 in punitive damages.

Nur, a Somali who fled the war-ravaged country and came to the U.S. in 1998, was hired by Alamo as a rental agent at its Phoenix office in November 1999. Her job performance was described as "fine," until the events leading to her firing, Judge Silver wrote in her ruling.

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HW 16. **FREEDOM OF SPEECH**

**A)** Explain 2 reasons for censorship and 2 reasons for no censorship.

**B)** Do you think we have some or no censorship?

**C)** Should student speech be limited in this case? Why or why not?

**D)** Should student speech be limited in this case? Why or why not?

A/B) The First Amendment to the Constitution declares that "Congress shall make no law ... abridging the freedom of speech."

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**SOME CENSORSHIP?**

Justice Oliver Wendell Holmes, in his famous Abrams v. United States (1919) dissenting opinion, began what may be the single most poetic paragraph ever written by a Supreme Court justice on the meaning of freedom of speech. Here is that improbable opening line: "Persecution for the expression of opinions seems to me perfectly logical."

What could Holmes have been thinking?

Probably the most celebrated attempt at explanation is the "marketplace of ideas" metaphor, a notion that is as constant Supreme Court rulings in *Abrams*, in which he argued that "the best test of truth is the power of the thought to get itself accepted in the competition of the market."

The marketplace of ideas metaphor posits that truth will emerge from the free trade in ideas, at least not instantly. The metaphor does not posit that truth will st

**NO CENSORSHIP?**

On an individual level, speech is a means of participation, the vehicle through which individuals debate the issues of the day, cast their votes, and actively join in the processes of decision-making that shape the policy. Free speech serves the individual's right to join the political fray, to stand up and be counted, to be an active player in the democracy, not a passive spectator. Freedom of speech is also an essential contributor to the American belief in government confined by a system of checks and balances, operating as a restraint on tyranny, corruption and ineptitude.

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Continued on next page
C) Federal Judge OKs students' 'Hitler Youth' buttons
By The Associated Press, 09.21.07
NEWARK, N.J. — Two students in northern New Jersey can wear buttons featuring a picture of Hitler Youth to protest a school-uniform policy, a federal judge ruled yesterday.

U.S. District Judge Joseph A. Greenaway Jr. sided with the parents of the students, who had been threatened with suspension by the Bayonne school district last fall for wearing the buttons. However, the judge added in his ruling that the buttons will not be allowed to distribute the buttons at school. “I’m very pleased,” said Laura DePinto, mother of one of the students. “I think it upholds the most basic of our American rights, which is to protest peacefully.” The buttons bear the words “no school uniforms” with a slash through them superimposed on a photo of young boys wearing identical shirts and neckerchiefs. There are no swastikas visible on the buttons, but the parties agreed that they depict members of Hitler Youth.

D) Gay-straight student club can’t meet at high school
By The Associated Press, 03.04.04
LUBBOCK, Texas — A federal judge yesterday ruled that a group of gay high school students in this conservative West Texas city cannot meet on campus, siding with the Lubbock school district in a lawsuit filed by students.

The Lubbock Gay-Straight Alliance claimed in its July lawsuit that the district violated students’ constitutional rights and a federal law, which forbids discrimination against groups meeting on campuses of schools receiving federal funds, by refusing the group’s requests to meet at a high school in late 2001.

“The longer it takes with the legal process, the longer we are without our rights,” said a 17-year-old.

Mark Griffin, Lubbock school board president, said he was pleased by the ruling. “It confirms our policy as a district, and I think it accurately reflects the community perspective as a whole,” he said.

U.S. District Judge Sam R. Cummings ruled that “the local school officials and parents are in the best position to determine what subject matter is reasonable and will be allowed on campuses.”

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**HW 17. FINAL MULTIPLE CHOICE EXAM REVIEW SHEET**

The purpose of this assignment is to prepare you for the very challenging 50 question multiple choice exam. *This sheet will be distributed in class but can also be printed from the class website*

a. First make out a time management plan. Use the list you are given in class to gather all of the worksheets you will need to study for the exam. Identify which sheets you are missing and print them from www.mr-n.weebly.com .

b. Complete the review sheet given to you in class. Each box must contain specific facts and details. It must be evident that you used specific facts from the class worksheets (not vague details from memory) to receive credit. This will be graded like any other homework.

*After completing the sheet, you should spend significant time using it to study*

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**HW 18. 2nd Amendment: Right to Bear Arms**

A) Explain guns laws in the US.

B) Explain the seven most important FEDERAL GUN laws.

C) Explain: should we make gun ownership more difficult or less difficult in the US?

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*A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

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**A) Background: Too many guns?**

The United States has more firearms in circulation than any other democratic, industrialized nation in the world. There are well over 200 million handguns and other kinds of firearms in the hands of private citizens in America. America’s rate for deaths involving firearms—some 30,000 to 35,000 each year—is also the highest among the industrial democracies. For example, gun-related homicide rates in the United Kingdom and Switzerland are much lower than that of the United States. Private ownership of guns is allowed in Great Britain only under the most stringent restrictions. In 1997, handguns in private homes were banned in the United Kingdom.

**B) THE SIX FEDERAL GUN LAWS**

Most Americans are shocked to learn that we have only SIX FEDERAL gun control laws which are designed to keep handguns out of the wrong hands. Those laws are:

The National Firearms Act of 1934

- Tax on the manufacture, sale and transfer of sawed-off shotguns, sawed-off rifles, machine guns and silencers.
- Requires the purchasers of those weapons to undergo FBI background checks and get approval from local law enforcement officers.
- Ban on firearms sales to known criminals.

The 1968 Gun Control Act

- Prohibits convicted felons, fugitives, drug addicts, minors, mentally ill people, anyone dishonorably discharged from the military, undocumented immigrants and people who have renounced their U.S. citizenship from buying or owning a gun.
- Requires serial numbers on all guns.
- Sets minimum ages for purchases at 21 for handguns and 18 for long guns.

The Brady Act of 1993

The Brady Law, which went into effect on February 28, 1994, required federally-licensed firearm dealers (FFLs) to check with law enforcement before selling a firearm. When conducting the Brady background checks, law enforcement officials determine whether the buyer is prohibited from buying or possessing a firearm under the federal Gun Control Act or state law. Federal law prohibits the following categories of persons from buying or possessing firearms:

- Those under indictment for, or convicted of, a crime punishable by imprisonment for a term exceeding one year; Fugitives from justice; Users of controlled substances;
- Persons adjudicated as “mental defective” or committed to mental institutions; Illegal aliens; Persons subject to a court order restraining a person from harassing, stalking, or threatening an intimate partner or the child of the intimate partner; or;
- Those convicted of a domestic violence misdemeanor.

****The Violent Crime Control and Law Enforcement Act of 1994

Bans the manufacture, sale and possession of 10 types of semi-automatic assault weapons and copycat models, as well as other semiautomatic guns with certain characteristics. ***(EXPEDITED)**

- Outlaws magazines holding more than 10 rounds of ammunition.
- Bans juvenile possession of a handgun or handgun ammunition, with limited exceptions, and makes it a crime to sell or give a handgun to anyone 18 or younger.

The Domestic Violence Offender Gun Ban of 1996

- Prohibits anyone convicted of a misdemeanor domestic violence offense from buying or owning a gun.

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**U/Critics**

Critics of gun control such as the National Rifle Association and its millions of members, argue that making it difficult for the average citizen to obtain a gun will only benefit the criminal, who will not respect any gun-control law. What is needed, they say, is better enforcement of the 20,000 local and state gun-control laws already in existence.

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**Advocates**

Conversely, advocates of gun-control such as the group Handgun Control, Inc., argue that so many guns in America have made law enforcement a risky business. Preventing criminals from obtaining guns through new laws, they maintain, would aid the police and reduce crime and violence.
**HW 19, 4th Amendment: Search and Seizure**

A) Should the NYC police check the bags of the passengers of our subway?  
B) Explain the message in this cartoon about the death penalty.  
C) Explain the decision about the drug testing of welfare recipients.  
D) Should parents follow their children for safety purposes?

**HW 20, 8th Amendment**

A) Explain the message in this cartoon about the death penalty. Explain your opinions: Is the death penalty cruel and unusual punishment?  
B) Describe the photo. Should the US military use torture to get information on terrorist or terrorism?  
C) Describe the “Three Strikes” law. Is this “cruel and unusual” punishment?

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**C) Three Strikes Penal Overkill In California?(CBS)**

The toughest criminal law in the land was the subject of a major U.S. Supreme Court case this year. And the decision, which was announced months after 60 Minutes II first aired this feature last fall, was as deeply divided as the controversy surrounding the law itself. California's three-strikes law says that if someone commits a third felony after committing two prior similar felonies, then the sentence is a mandatory 25 years to life.

In such a case, Leandro Andrade was given not one but two sentences of 25 years to life. California's three-strikes law says that if someone commits a third felony after committing two prior similar felonies, then the sentence is a mandatory 25 years to life.

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