

Unit #5: Civil Rights and Civil Liberties and Review

AP US Government & Politics

Mr. Coia

Name: _____ Date: _____ Period: _____

Mon 4/15

- Topic: Civil Liberties and Civil Rights
- Read "What Should I Have Learned?" (189-190)
- Watch: [Crash Course for Civil Rights and Civil Liberties](#)
- Read and mark "Letter from Birmingham Jail" portions

HW: key terms cards; bring ALL key terms and key court cases cards from past units to class; notebook prep

Wed 4/17

- "Letter" and introducing the argument essay
- Look at 3 different prompts; pick one to write
- Court Cases and Civil Liberties/Rights connections
- [AP Review Packet](#)

Fri 4/19

- **Key Cards Monster Pack** Activity
- Practice MC Set #1
- Fed 70: The Executive. Read/mark
- Watch [this](#) (8 min) and [this](#) (4 min)

HW: Reread/mark Fed 10, 51; AP Review Packet

Tues 4/23

- [Practice FRQ: Concept application](#)
- Practice MC Set #2
- Court Cases Review

HW: Reread/mark Fed 78, Brutus

Thurs 4/25

- Practice FRQ: Quantitative Analysis
- Practice MC Set #3
- Kahoot Review

HW: Reread your graded FRQs; AP Review Packet

Tues 4/30

- Practice AP Government exam: 2 FRQs
- Test Review session: [Cram for the Exam](#)

HW: AP Review Packet

Thurs 5/2

- Full AP Government exam: MC
- Test Review session: [Cram for the Exam](#)

HW: AP Review Packet

Fri 5/3 A Day

Seminar Session 1: You are all requested to a mandatory review session of the multiple choice portion of the exam

HW: Study, study, study! Then get to bed no later than 9pm on Sunday

Monday, 5/6:
AP Exam 0800-1200
Meet in the IC for
breakfast at 0700

Wed 5/8 (AP Lit)

- "What I Wish We Covered More in Class"
- Socratic Seminar topics

Notebook and Supply Check

You'll need the following for our notebook check **on Wed 4/17**. You need ALL the pieces to receive credit. No partial credit offered on this.

You need ***three*** tabs with the following:

GOV Handouts:

- *Unit Guide 5*
- Unit guide 4d
- Conservative/Liberal Chart
- Understanding the Amendments (unit guide 1, p.13)
- Federalist Papers #10, 51, Brutus (unit 1, p. 5-12)
- Key Terms: Foundations of American Democracy (unit 1, p. 5-6)
- Key Terms: American Political Ideologies (unit 2, p. 3-4)
- Key Terms: Political Participation (unit 3, p.7-8)
- Key Terms: Institutions—Congress (unit 4a, p. 5)
- Key Terms: Institutions—Presidency (unit 4b, p. 3)
- Key Terms: Institutions—Federal Courts (unit 4c, p. 15)
- *Key Terms: Institutions—Bureaucracy (unit 4d, p. 5)*
- Key Court Cases—(unit 4c, p.13-14)
- Interactions Among Branches of Government Unit Overview (unit 4a, p. 3)
- Chapter 3: Federalism section handout
- AP GOV Syllabus
- Class Rules sheet, initialed

GOV Classwork:

Notes from lectures, presentations, mini-lessons. Remember you should be taking notes each class period. You will also have at least 25 sheets of loose-leaf paper in your binder, and your pens, pencils, highlighter, etc.

GOV Outlines:

Unit 1: Constitutional Underpinnings outlines (this includes all of your EIGHT outlines put in order with a cover page stapled to the top). This will help you review for semester tests and the AP exam in May. [If you are using a notebook, put that in this place for this check.]

Unit 2: Political Beliefs/Political Behaviors (this includes all of your SEVEN outlines put in order with a cover page stapled to the top). This will help you review for semester tests and the AP exam in May. [If you are using a notebook, put that in this place for this check.]

Unit 3: *Interest Groups/Public Policy* (this includes all FOUR outlines put in order with a cover page stapled on top).

Unit 4: *Institutions--Congress* (this includes all THREE outlines put in order with a cover page stapled on top).

Unit 4b: Institutions—The Presidency (this includes all THREE outlines put in order with a cover page stapled on top).

Unit 4d: Institutions—Bureaucracy (this includes all THREE outlines put in order with a cover page stapled on top).

Name: _____ Date: _____ Period: _____

Letters from Birmingham Jail

Rev. Dr. Martin Luther King, Jr.

MY DEAR FELLOW CLERGYMEN:

1. While confined here in the Birmingham City Jail, I came across your recent statement calling our present activities "unwise and untimely." ... I think I should give the reason for my being in Birmingham, since you have been influenced by the argument of "outsiders coming in." ... I am in Birmingham because injustice is here. Just as the eighth century prophets left their little villages and carried their "thus saith the Lord" far beyond the boundaries of their home towns; and just as the Apostle Paul left his little village of Tarsus and carried the gospel of Jesus Christ to practically every hamlet and city of the Graeco-Roman world, I too am compelled to carry the gospel of freedom beyond my particular home town. Like Paul, I must constantly respond to the Macedonian call for aid.
2. Moreover, I am cognizant of the interrelatedness of all communities and states. I cannot sit idly by in Atlanta and not be concerned about what happens in Birmingham. Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly affects all indirectly. Never again can we afford to live with the narrow, provincial "outside agitator" idea. Anyone who lives inside the United States can never be considered an outsider anywhere in this country.
3. You deplore the demonstrations that are presently taking place in Birmingham. But I am sorry that your statement did not express a similar concern for the conditions that brought the demonstrations into being. I am sure that each of you would want to go beyond the superficial social analyst who looks merely at effects, and does not grapple with underlying causes. I would not hesitate to say that it is unfortunate that so-called demonstrations are taking place in Birmingham at this time, but I would say in more emphatic terms that it is even more unfortunate that the white power structure of this city left the Negro community with no other alternative.
4. In any nonviolent campaign there are four basic steps: 1) Collection of the facts to determine whether injustices are alive. 2) Negotiation. 3) Self-purification and 4) Direct action. We have gone through all of these steps in Birmingham. There can be no gainsaying of the fact that racial injustice engulfs this community.
5. Birmingham is probably the most thoroughly segregated city in the United States. Its ugly record of police brutality is known in every section of this country. Its unjust treatment of Negroes in the courts is a notorious reality. There have been more unsolved bombings of Negro homes and churches in Birmingham than any city in this nation. These are the hard, brutal and unbelievable facts. On the basis of these conditions, Negro leaders sought to negotiate with the city fathers. But the political leaders consistently refused to engage in good faith negotiation.
6. Then came the opportunity last September to talk with some of the leaders of the economic community. In these negotiating sessions certain promises were made by the merchants--such as the promise to remove the humiliating racial signs from the stores. On the basis of these promises Rev. Shuttlesworth and the leaders of the Alabama Christian Movement for Human Rights agreed to call a moratorium on any type of demonstrations. As the weeks and months unfolded we realized that we were the victims of a broken promise. The signs remained. Like so many experiences of the past we were confronted with blasted hopes, and the dark shadow of a deep disappointment settled upon us. So we had no alternative except that of preparing for direct action, whereby we would present our very bodies as a means of laying our case before the conscience of the local and national community. We were not unmindful of the difficulties involved. So we decided to go through a process of self-purification. We started having workshops on nonviolence and repeatedly asked ourselves the questions: "Are you able to accept blows without retaliating?" "Are you able to endure the ordeals of jail?" We decided to set our direct-action program around the Easter season, realizing that with the exception of Christmas, this was the largest shopping period of the year. Knowing that a strong economic withdrawal program would be the by-product of direct action, we felt that this was the best time to bring pressure on the merchants for the needed changes. ...

7. You may well ask: "Why direct action? Why sit-ins, marches, etc.? Isn't negotiation a better path?" You are exactly right in your call for negotiation. Indeed, this is the purpose of direct action. Nonviolent direct action seeks to create such a crisis and establish such creative tension that a community that has constantly refused to negotiate is forced to confront the issue. It seeks so to dramatize the issue that it can no longer be ignored. I just referred to the creation of tension as a part of the work of the nonviolent resister. This may sound rather shocking. But I must confess that I am not afraid of the word tension. I have earnestly worked and preached against violent tension, but there is a type of constructive nonviolent tension that is necessary for growth. Just as Socrates felt that it was necessary to create a tension in the mind so that individuals could rise from the bondage of myths and half-truths to the unfettered realm of creative analysis and objective appraisal, we must see the need of having nonviolent gadflies to create the kind of tension in society that will help men to rise from the dark depths of prejudice and racism to the majestic heights of understanding and brotherhood. So the purpose of the direct action is to create a situation so crisis-packed that it will inevitably open the door to negotiation. We, therefore, concur with you in your call for negotiation. Too long has our beloved Southland been bogged down in the tragic attempt to live in monologue rather than dialogue.
8. ... My friends, I must say to you that we have not made a single gain in civil rights without determined legal and nonviolent pressure. History is the long and tragic story of the fact that privileged groups seldom give up their privileges voluntarily. Individuals may see the moral light and voluntarily give up their unjust posture; but as Reinhold Niebuhr has reminded us, groups are more immoral than individuals.
9. We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed. Frankly, I have never yet engaged in a direct action movement that was "well timed," according to the timetable of those who have not suffered unduly from the disease of segregation. For years now I have heard the words [sic] "Wait!" It rings in the ear of every Negro with a piercing familiarity. This "Wait" has almost always meant "Never." We must come to see with the distinguished jurist of yesterday that "justice too long delayed is justice denied."
10. We have waited for more than three hundred and forty years for our constitutional and God-given rights. The nations of Asia and Africa are moving with jet-like speed toward the goal of political independence, and we still creep at horse and buggy pace toward the gaining of a cup of coffee at a lunch counter. I guess it is easy for those who have never felt the stinging darts of segregation to say, "Wait." But when you have seen vicious mobs lynch your mothers and fathers at will and drown your sisters and brothers at whim; when you have seen hate filled policemen curse, kick, brutalize and even kill your black brothers and sisters with impunity; when you see the vast majority of your twenty million Negro brothers smothering in an airtight cage of poverty in the midst of an affluent society; when you suddenly find your tongue twisted and your speech stammering as you seek to explain to your six-year-old daughter why she can't go to the public amusement park that has just been advertised on television, and see tears welling up in her eyes when she is told that Funtown is closed to colored children, and see the depressing clouds of inferiority begin to form in her little mental sky, and see her begin to distort her little personality by unconsciously developing a bitterness toward white people; when you have to concoct an answer for a five-year-old son asking in agonizing pathos: "Daddy, why do white people treat colored people so mean?"; when you take a cross-country drive and find it necessary to sleep night after night in the uncomfortable corners of your automobile because no motel will accept you; when you are humiliated day in and day out by nagging signs reading "white" and "colored"; when your first name becomes "nigger," your middle name becomes "boy" (however old you are) and your last name becomes "John," and your wife and mother and are never given the respected title "Mrs."; when you are harried by day and haunted by night by the fact that you are a Negro, living constantly at tip-toe stance never quite knowing what to expect next, and plagued with inner fears and outer resentments; when you are forever fighting a degenerating sense of "nobodiness"—then you will understand why we find it difficult to wait. There comes a time when the cup of endurance runs over, and men are no longer willing to be plunged into an abyss of despair. I hope, sirs, you can understand our legitimate and unavoidable impatience.
11. You express a great deal of anxiety over our willingness to break laws. This is certainly a legitimate concern. Since we so diligently urge people to obey the Supreme Court's decision of 1954 outlawing segregation in the public schools, it is rather strange and paradoxical to find us consciously breaking laws. One may well ask: "How can you advocate breaking some laws and obeying others?" The answer is found in the fact that there are two types of laws: There are just and there are unjust laws. I would agree with Saint Augustine that "An unjust law is no law at all."

12. Now, what is the difference between the two? How does one determine when a law is just or unjust? A just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of Saint Thomas Aquinas, an unjust law is a human law that is not rooted in eternal and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust. All segregation statutes are unjust because segregation distorts the soul and damages the personality. It gives the segregator a false sense of superiority, and the segregated a false sense of inferiority. To use the words of Martin Buber, the Jewish philosopher, segregation substitutes and "I-it" relationship for an "I-thou" relationship, and ends up relegating persons to the status of things. So segregation is not only politically, economically and sociologically unsound, but it is morally wrong and sinful. Paul Tillich has said that sin is separation. Isn't segregation an existential expression of man's tragic separation, an expression of his awful estrangement, his terrible sinfulness? So I can urge men to disobey segregation ordinances because they are morally wrong.
13. Let us turn to a more concrete example of just and unjust laws. An unjust law is a code that a majority inflicts on a minority that is not binding on itself. This is difference made legal. On the other hand a just law is a code that a majority compels a minority to follow that it is willing to follow itself. This is sameness made legal.
14. Let me give another explanation. An unjust law is a code inflicted upon a minority which that minority had no part in enacting or creating because they did not have the unhampered right to vote. Who can say that the legislature of Alabama which set up the segregation laws was democratically elected? Throughout the state of Alabama all types of conniving methods are used to prevent Negroes from becoming registered voters and there are some counties without a single Negro registered to vote despite the fact that the Negro constitutes a majority of the population. Can any law set up in such a state be considered democratically structured?
15. These are just a few examples of unjust and just laws. There are some instances when a law is just on its face and unjust in its application. For instance, I was arrested Friday on a charge of parading without a permit. Now there is nothing wrong with an ordinance which requires a permit for a parade, but when the ordinance is used to preserve segregation and to deny citizens the First-Amendment privilege of peaceful assembly and peaceful protest, then it becomes unjust.
16. I hope you can see the distinction I am trying to point out. In no sense do I advocate evading or defying the law as the rabid segregationist would do. This would lead to anarchy. One who breaks an unjust law must do it openly, lovingly...and with a willingness to accept the penalty. I submit that an individual who breaks a law that conscience tells him is unjust, and willingly accepts the penalty by staying in jail to arouse the conscience of the community over its injustice, is in reality expressing the very highest respect for law.
17. Of course, there is nothing new about this kind of civil disobedience. It was seen sublimely in the refusal of Shadrach, Meshach and Abednego to obey the laws of Nebuchadnezzar because a higher moral law was involved. It was practiced superbly by the early Christians who were willing to face hungry lions and the excruciating pain of chopping blocks, before submitting to certain unjust laws of the Roman empire. To a degree academic freedom is a reality today because Socrates practiced civil disobedience.
18. We can never forget that everything Hitler did in Germany was "legal" and everything the Hungarian freedom fighters did in Hungary was "illegal." It was "illegal" to aid and comfort a Jew in Hitler's Germany. But I am sure that if I had lived in Germany during that time I would have aided and comforted my Jewish brothers even though it was illegal. If I lived in a Communist country today where certain principles dear to the Christian faith are suppressed, I believe I would openly advocate disobeying these anti-religious laws. I must make two honest confessions to you, my Christian and Jewish brothers. First, I must confess that over the last few years I have been gravely disappointed with the white moderate. I have almost reached the regrettable conclusion that the Negro's great stumbling block in the stride toward freedom is not the White Citizen's Council-er or the Ku Klux Klanner, but the white moderate who is more devoted to "order" than to justice; who prefers a negative peace which is the absence of tension to a positive peace which is the presence of justice; who constantly says "I agree with you in the goal you seek, but I can't agree with your methods of direct action;" who paternalistically feels he can set the timetable for another man's freedom; who lives by the myth of time and who constantly advises the

Negro to wait until a "more convenient season." Shallow understanding from people of goodwill is more frustrating than absolute misunderstanding from people of ill will. Lukewarm acceptance is much more bewildering than outright rejection.

19. I had hoped that the white moderate would understand that law and order exist for the purpose of establishing justice, and that when they fail to do this they become dangerously structured dams that block the flow of social progress. I had hoped that the white moderate would understand that the present tension in the South is merely a necessary phase of the transition from an obnoxious negative peace, where the Negro passively accepted his unjust plight, to a substance-filled positive peace, where all men will respect the dignity and worth of human personality. Actually, we who engage in nonviolent direct action are not the creators of tension. We merely bring to the surface the hidden tension that is already alive. We bring it out in the open where it can be seen and dealt with. Like a boil that can never be cured as long as it is covered up but must be opened with all its pus-flowing ugliness to the natural medicines of air and light, injustice must likewise be exposed, with all of the tension its exposing creates, to the light of human conscience and the air of national opinion before it can be cured. ...
20. Oppressed people cannot remain oppressed forever. The urge for freedom will eventually come. This is what happened to the American Negro. Something within has reminded him of his birthright of freedom; something without has reminded him that he can gain it. Consciously and unconsciously, he has been swept in by what the Germans call the *Zeitgeist*, and with his black brothers of Africa, and his brown and yellow brothers of Asia, South America and the Caribbean, he is moving with a sense of cosmic urgency toward the promised land of racial justice. Recognizing this vital urge that has engulfed the Negro community, one should readily understand public demonstrations. The Negro has many pent up resentments and latent frustrations. He has to get them out. So let him march sometime; let him have his prayer pilgrimages to the city hall; understand why he must have sit-ins and freedom rides. If his repressed emotions do not come out in these nonviolent ways, they will come out in ominous expressions of violence. This is not a threat; it is a fact of history. So I have not said to my people "get rid of your discontent." But I have tried to say that this normal and healthy discontent can be channelized through the creative outlet of nonviolent direct action. Now this approach is being dismissed as extremist. I must admit that I was initially disappointed in being so categorized.
21. But as I continued to think about the matter I gradually gained a bit of satisfaction from being considered an extremist. Was not Jesus an extremist for love -- "Love your enemies, bless them that curse you, pray for them that despitefully use you." Was not Amos an extremist for justice -- "Let justice roll down like waters and righteousness like a mighty stream." Was not Paul an extremist for the gospel of Jesus Christ -- "I bear in my body the marks of the Lord Jesus." Was not Martin Luther an extremist -- "Here I stand; I can do none other so help me God." Was not John Bunyan an extremist -- "I will stay in jail to the end of my days before I make a butchery of my conscience." Was not Abraham Lincoln an extremist -- "This nation cannot survive half slave and half free." Was not Thomas Jefferson an extremist -- "We hold these truths to be self-evident, that all men are created equal." So the question is not whether we will be extremist but what kind of extremist will we be. Will we be extremists for hate or will we be extremists for love? Will we be extremists for the preservation of injustice--or will we be extremists for the cause of justice? In that dramatic scene on Calvary's hill, three men were crucified. We must not forget that all three were crucified for the same crime--the crime of extremism. Two were extremists for immorality, and thusly fell below their environment. The other, Jesus Christ, was an extremist for love, truth and goodness, and thereby rose above his environment. So, after all, maybe the South, the nation and the world are in dire need of creative extremists.
22. ...I hope this letter finds you strong in the faith. I also hope that circumstances will soon make it possible for me to meet each of you, not as an integrationist or a civil rights leader, but as a fellow clergyman and a Christian brother. Let us all hope that the dark clouds of racial prejudice will soon pass away and the deep fog of misunderstanding will be lifted from our fear-drenched communities and in some not too distant tomorrow the radiant stars of love and brotherhood will shine over our great nation with all their scintillating beauty.

Yours for the cause of Peace and Brotherhood,

Martin Luther King, Jr.

KEY TERMS:
Unit 6: CIVIL LIBERTIES/CIVIL RIGHTS

1. **Civil liberties:** personal freedoms, e.g., speech, assembly, religion. Freedom to..
2. **Civil rights:** protections against discrimination. Freedom from...
3. **De facto segregation:** segregation "by fact," i.e., segregation that results from such factors as housing patterns rather than law.
4. **Double jeopardy:** being prosecuted twice for the same offense. Banned by Amendment 5.
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.
6. **Equal protection clause:** 14th Amendment clause that prohibits states from denying equal protection under the law, and has been used to combat discrimination.
7. **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.
8. **Exclusionary rule:** Supreme Court guideline that excludes the use of illegally obtained evidence in a criminal trial.
9. **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.
10. **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.
11. **Indictment:** grand jury order that a suspect must stand trial for a criminal offense.
12. **Jim Crow laws:** Southern laws that required racial segregation in places of public accommodation.
13. **Libel:** written untruths that damage a reputation.
14. **Literacy test:** Southern method of excluding blacks from exercising suffrage by requiring that voters prove their ability to read and write.
15. **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.
16. **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.
17. **Police powers:** powers that allow states to pass laws protecting the health, welfare, safety, and morals of their residents.
18. **Poll tax:** Southern method of excluding blacks from exercising suffrage by requiring payment of a tax prior to voting.
19. **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.
20. **Sedition:** advocacy of the overthrow of the government.
21. **Shield laws:** state laws that protect journalists from having to reveal their sources.
22. **Slander:** spoken untruths that damage a reputation.