The Simple AP® US Government and Politics Unit 3 Cheat Sheet

3.1 The Bill of Rights

Liberties vs Rights

Civil liberties: guarantees that protect you FROM govt interference (speech, religion, fair trials).
Civil rights: protection FROM discrimination (race, sex, religion, national origin) by equal protection.
Bill of Rights (1791): first 10 amendments; added to win Anti-Federalist support for ratification.

The 10 Amendments

Amend.	Protects
1st	Religion, speech, press, assembly, petition
2nd	Bear arms
4th	No unreasonable searches
5th	Due process, no self-incrimination
6th	Fair trial, jury, lawyer
8th	No cruel/unusual punishment
9th	Unlisted rights kept by people
10th	Reserved powers to states

How Rights Are Applied

Not absolute: courts balance individual liberty vs public order & safety, case by case.
14th Amend. (1868): due process + equal protection; applies most of the BoR to the states.

⚠ Liberty = freedom FROM govt; right = equal treatment BY govt. MCQs mix them up.

✓ Every Unit 3 case is a balance: individual liberty vs order, safety or majority rule.

3.2 First Amendment: Freedom of Religion

Two Religion Clauses

Establishment clause: govt can't set up or favor a religion (Jefferson's "wall of separation").
Free exercise clause: govt can't ban religious practice; beliefs are fully protected, but actions can be limited by neutral, general laws.
Tension: helping religion risks establishment; limiting it risks free exercise rights.

Required Cases

Case	Clause	Holding
Engel v. Vitale (1962)	Establishment	School prayer unconst.
Wisconsin v. Yoder (1972)	Free exercise	Amish exempt past 8th grade

Engel: NY public schools led a short, voluntary prayer → still govt-sponsored religion, so struck.
Yoder: Amish parents ended school at 8th grade; their free exercise outweighed the state's interest.

Related Cases

Oregon v. Smith (1990): peyote in a ceremony not protected; neutral, general laws are OK.
Kennedy v. Bremerton (2022): coach's quiet post-game prayer protected; Court replaced the old Lemon test w/ history & tradition.

⚠ Engel = ESTABLISHMENT (govt sponsors prayer); Yoder = FREE EXERCISE (govt burdens faith). Name the correct clause.

✓ SCOTUS FRQ: compare Smith to Yoder; both are free exercise, but only Yoder's claim won.

3.3–3.4 Freedom of Speech & Press

Required Cases

Case	Holding
Schenck v. US (1919)	Clear & present danger
Tinker v. Des Moines (1969)	Armbands = protected speech
NYT Co. v. US (1971)	No prior restraint

Schenck: anti-draft leaflets in WWI not protected; "shouting fire in a crowded theater" (Holmes).
Tinker: Vietnam protest armbands OK in school unless they cause substantial disruption.
NYT v. US: govt couldn't block the Pentagon Papers; heavy presumption against prior restraint.

Limits on Speech

Time, place & manner: neutral limits on when, where & how loud are OK (permits, noise limits).
Not protected: obscenity, defamation (libel = written, slander = spoken), true threats.
Brandenburg (1969): only speech inciting IMMINENT lawless action can be banned.
Symbolic speech: flag burning protected (Texas v. Johnson, 1989); no forced flag salute (Barnette).
Schools: Morse v. Frederick (2007) let a school punish a "BONG HiTS 4 JESUS" banner.
Press: public officials must prove **actual malice** to win a libel case (NYT v. Sullivan).

⚠ NYT v. US (1971) = prior restraint; NYT v. Sullivan (1964) = libel. Different cases.

✓ Cartoon MCQs: find the symbol (gag, armband), then name the clause & case.

3.5–3.6 Second Amendment & Public Order

Right to Bear Arms

Case	Holding
DC v. Heller (2008)	Individual right (federal)
McDonald v. Chicago (2010)	Right applies to states
NYSRPA v. Bruen (2022)	Carry outside the home
US v. Rahimi (2024)	Can disarm DV abusers

McDonald (required): Chicago's handgun ban struck; 2nd Amend. applied to states via the 14th.
US v. Lopez (1995): gun ban near schools struck; carrying guns isn't interstate commerce.

Balancing Freedom & Safety

8th Amend.: death penalty allowed, but not for minors (Roper, 2005) or the intellectually disabled.
Cruel & unusual: judged by "evolving standards of decency" as society changes over time.
Debate: do gun laws or govt collection of phone metadata protect safety or violate rights?
Metadata: Patriot Act (2001) allowed bulk phone records; USA Freedom Act (2015) ended it.

⚠ Heller = federal (DC) only; McDonald extended the same right to the states 2 yrs later.

✓ Argument essay: back each liberty vs safety claim with a case, e.g., McDonald vs Rahimi.

3.7 Selective Incorporation

The Doctrine

Selective incorporation: applying BoR rights to states 1 by 1 via the 14th's due process clause.
Why selective: case by case; a right is added if it's fundamental to liberty & justice.
Effect: limits state power over civil liberties; states may protect more, never less, than the BoR.
Gideon: Florida had to give a poor defendant a free lawyer; the 6th Amend. now binds states.

Landmark Cases

Case	Year	Right
Gitlow v. NY	1925	Speech (1st)
Near v. Minnesota	1931	Press
Everson v. Bd. of Ed.	1947	Establishment
Mapp v. Ohio	1961	Exclusionary rule
Gideon v. Wainwright	1963	Lawyer (6th)
Malloy v. Hogan	1964	Self-incrimination
McDonald v. Chicago	2010	Bear arms (2nd)
Timbs v. Indiana	2019	Excessive fines

Not Incorporated

Still federal only: 3rd Amend., grand jury (5th), civil jury trial (7th); states set their own rules.
Before 1868: Barron v. Baltimore (1833) said the BoR limited only the national govt.

⚠ The 14th's DUE PROCESS clause (not equal protection) is the incorporation tool.

✓ Gideon, Engel, Yoder & McDonald all apply BoR rights to STATES; say "via the 14th."

3.8–3.9 Due Process: Accused & Privacy

Rights of the Accused (3.8)

Due process (5th & 14th): no loss of life, liberty or property w/o fair, non-arbitrary legal steps.

Right	Case
Lawyer (6th)	Gideon v. Wainwright (1963)
Miranda warnings	Miranda v. Arizona (1966)
Exclusionary rule	Mapp v. Ohio (1961)
Phone search	Riley v. California (2014)

Gideon (required): poor defendant denied a lawyer; states must now provide one.
Miranda: warn suspects before questioning; **public safety exception** allows urgent Qs.
Exclusionary rule: illegally seized evidence can't be used at trial (4th Amend., Mapp).
Riley (2014): police need a warrant to search a cell phone, even right after an arrest.

Right to Privacy (3.9)

Unenumerated rights: not listed but protected (9th Amend.), e.g., the right to privacy.
Substantive due process: asks whether a law itself unfairly limits a basic right.
Griswold (1965): contraception ban struck, privacy right implied; **Roe** (1973) extended it to abortion.
Dobbs (2022): overturned Roe → states & legislatures decide abortion policy.

⚠ Procedural = HOW govt acts (fair steps); substantive = WHAT govt may do (the right).

✓ Use Gideon for any SCOTUS FRQ about the rights of the accused or the right to a lawyer.

3.10–3.11 Social Movements & Govt Responses

Equal Protection & Movements

Equal protection clause (14th): states must treat all people equally under the law.
Movements: civil rights, women's rights (NOW), LGBTQ rights, pro-life & pro-choice.
"Letter from a Birmingham Jail" (MLK, 1963): unjust laws may be broken through nonviolent civil disobedience, accepting the penalty.
Gettysburg Address (1863): "all men are created equal"; govt "of the people, by the people."

Govt Responses (3.11)

Response	Year	Effect
Brown v. Board	1954	Ends school segregation
Civil Rights Act	1964	No discrim. in public places & jobs
Voting Rights Act	1965	Bans literacy tests
Title IX	1972	No sex discrim. in schools

Scrutiny: strict for race; intermediate for sex; rational basis for most other laws.
Obergefell (2015): same-sex marriage protected by due process & equal protection.

⚠ All 3 branches respond: courts (Brown), Congress (CRA, VRA), presidents (Truman's order desegregating the military).

✓ Argument essay: pair Birmingham Jail with Brown or the CRA of 1964 as 2 pieces of evidence, then rebut a counterclaim.

3.12–3.13 Minority Rights & Affirmative Action

Restricting vs Protecting (3.12)

Emancipation Proclamation (1863): freed enslaved people in rebelling states; the 13th Amend. (1865) ended slavery everywhere.
Plessy v. Ferguson (1896): "separate but equal" upheld → Jim Crow segregation laws.
Brown v. Board (1954, required): school segregation "inherently unequal"; 9–0 decision overturned Plessy's "separate but equal."
Shaw v. Reno (1993): race-based voting districts face strict scrutiny under equal protection.

Affirmative Action (3.13)

Affirmative action: policies to reduce gaps in jobs & education (race, gender, disability).

Case	Year	Holding
Regents v. Bakke	1978	No quotas; race as 1 factor
Grutter v. Bollinger	2003	Holistic review OK
SFFA v. Harvard	2023	Race-based admissions struck

Debate: does the equal protection clause allow race-conscious remedies, or does it require a fully colorblind approach? Justices disagree.

⚠ Brown ended legal school segregation; it took the CRA 1964 & VRA 1965 to go further.

✓ SCOTUS FRQ: compare a non-required equal protection case to Brown: facts, holding & why the outcome matches or differs.