

Unit 3: Civil Liberties and Civil Rights

How the Bill of Rights limits government power, how those limits came to bind the states, and how the country has fought over equal treatment. Covers CED topics 3.1 through 3.13.

AP U.S. Government

Civil Liberties and Civil Rights

13-18% of the exam

About 13 minutes to read

How to use this guide

Read the unit front to back once. The first part is about what government may not do to individuals, and the second part is about how government is required to treat people equally. Topics 3.1 through 3.9 cover civil liberties through the Bill of Rights. Topics 3.10 through 3.13 cover civil rights through the Fourteenth Amendment and the movements that worked to make equal treatment real in practice. Due process connects the two parts, so spend extra time on sections 3.7 and 3.8.

After the first read, go back through the trap boxes. Each one covers a common mix-up in that topic, and the table near the end collects the mix-ups that appear often on released exams. For each required Supreme Court case, try to state the holding in your own words before you check the explanation in the guide. Then answer the two practice questions and the six recall questions without looking back at the earlier sections.

What this unit is worth. Unit 3 is 13 to 18 percent of the AP exam, which is roughly one question in six. This unit also matters for the Q3 SCOTUS Comparison free-response question. In that question, a required case from the unit is paired with a case you have not seen before, and you need to be able to state the required case's holding accurately to earn the comparison point.

3.1 The Bill of Rights

The Bill of Rights is the first ten amendments to the Constitution, ratified in 1791. The original Constitution limited government mainly by structure, dividing and checking power. Anti-Federalists were not satisfied with that. They demanded a written list of things the new national government could not do, and the promise to add one was the price of ratification.

The **Tenth Amendment** reserves powers not delegated to the national government to the states or the people. It is the constitutional anchor for the idea that the national government holds only listed powers, with everything else left to the states.

The unit splits the Bill of Rights' promises into two families. **Civil liberties** are freedoms that government may not take away, such as speech, religion, due process, and protection from unreasonable searches. **Civil rights** are guarantees of equal treatment and include the promise that

government will not discriminate. When you read a fact pattern, decide whether the government is restricting what a person can do or treating one group differently from another. The first situation raises a civil liberties issue, and the second raises a civil rights issue.

Trap. students assume the Bill of Rights always applied to the states, but it originally limited only the national government. In *Barron v. Baltimore* (1833), the Supreme Court held that the Bill of Rights did not apply to state governments. A state could restrict free speech without violating the First Amendment as the Court understood it at the time. That changed later through the Fourteenth Amendment and selective incorporation, which is covered in section 3.7.

3.2 First Amendment: Freedom of Religion

The First Amendment opens with two religion clauses that pull in opposite directions. The **Establishment Clause** bars the government from setting up, sponsoring, or favoring religion. The **Free Exercise Clause** bars the government from interfering with people's religious belief and practice. Most religion cases are the Court deciding which clause controls when the two collide.

On the establishment side, the required case is **Engel v. Vitale** (1962). New York's Board of Regents had written a short nondenominational prayer and asked public schools to recite it each morning. The Court struck it down. A government-composed prayer, even a voluntary and generic one, is the state establishing religion.

On the free exercise side, the required case is **Wisconsin v. Yoder** (1972). Wisconsin required children to attend school until age sixteen. Amish families argued that high school attendance violated their religious way of life, and the Court agreed, holding that forcing Amish children past eighth grade violated the Free Exercise Clause. The state's interest in education was real, but it did not outweigh the burden on sincere religious practice.

Trap. Engel did not ban students from praying at school. The case was about prayer that the school sponsored. Student prayer on its own was not the issue. On the exam, look at who organized the prayer. If the school or the state wrote, chose, or led the prayer, the issue is the Establishment Clause. If a student or family is practicing their own faith and the government interferes, the issue is the Free Exercise Clause.

3.3 First Amendment: Freedom of Speech

Speech covers more than talking. **Symbolic speech** is nonverbal conduct meant to communicate, like wearing an armband to protest a war, and it gets First Amendment protection. The required case is **Tinker v. Des Moines** (1969), where students wore black armbands to protest the Vietnam War. The Court held that students do not shed their constitutional rights at the schoolhouse gate, and schools may only restrict student expression that causes a **substantial disruption** of school activities.

Speech is not unlimited. The required case **Schenck v. United States** (1919) upheld the conviction of a man who distributed anti-draft leaflets during World War I, announcing the **clear and present danger** test, which allows punishment for speech that creates a serious and immediate threat to public safety.

Other categories get little or no protection, including **obscenity** and **defamation**, false statements that damage a reputation (written defamation is libel, spoken defamation is slander).

Governments can also impose **time, place, and manner restrictions**, limits on when, where, or how expression happens. These rules have to be content-neutral. A city can require a parade permit or ban bullhorns at midnight; it cannot ban only the parades whose message it dislikes.

Trap. the clear and present danger test comes from Schenck, which involved anti-draft leaflets during World War I. Students sometimes use that phrase for any speech question, but a question about student expression at school usually calls for Tinker and the substantial disruption standard.

3.4 First Amendment: Freedom of the Press

The press clause protects the publication of news and opinion from government interference. One important protection is the rule against **prior restraint**, which is government action that stops publication before it happens. Courts treat prior restraint as a serious First Amendment violation. Under the **heavy presumption against prior restraint**, the government has a very high burden to show why publication should be blocked in advance.

The required case is **New York Times Co. v. United States** (1971). The Nixon administration tried to stop newspapers from publishing the Pentagon Papers, a classified study of the Vietnam War, arguing national security. The Court refused to block publication and ruled that the government had not met the heavy burden needed to justify prior restraint, even though the government argued that national security was at risk.

Trap. the case protected the right to publish, not an absolute right to print anything with no consequences. The Court rejected prior restraint in this case. It did not rule that the government could never impose consequences after publication. If an option says the press can never face consequences for what it publishes, it overreads the case.

3.5 Second Amendment: Right to Bear Arms

The Second Amendment protects the right to keep and bear arms. For most of American history the amendment generated little Supreme Court doctrine, and the central modern question has been what kind of right it is. For background, and not as a required case, the Court answered in *District of Columbia v. Heller* (2008), holding that the amendment protects an individual right to possess a firearm for self-defense in the home.

The required case is **McDonald v. Chicago** (2010). Chicago had effectively banned handgun possession. The Court held that the individual right recognized in *Heller* applies to state and local governments too, through the Fourteenth Amendment Due Process Clause. *McDonald* is the Second Amendment's incorporation case.

Courts have still upheld some firearms regulations, so the cases require you to think about both individual liberty and public safety. On the exam, keep *Heller* and *McDonald* separate. *Heller* is

background and recognized an individual right. McDonald is the required case and applied that right to state and local governments.

Trap. McDonald did not erase gun regulation. It incorporated the individual right against the states. An option that says the case ended all firearms regulation confuses 'the right now applies to states' with 'the right has no limits.'

3.6 Amendments: Balancing Individual Freedom with Public Order and Safety

Each liberty in the Bill of Rights has to be considered alongside the government's interest in **public order**, which includes safety, stability, and lawful conduct. This balance comes up throughout the unit. Speech can be limited when it endangers others, and gun rights can coexist with regulation. Criminal procedure protects the accused while still allowing the government to punish people who are guilty.

The clearest modern example is government surveillance. After the September 11 attacks, Congress passed the Patriot Act (2001), expanding national-security surveillance powers. Years later, revelations about bulk collection of Americans' phone metadata raised Fourth Amendment concerns, and Congress responded with the USA Freedom Act (2015), which placed limits on that bulk collection. This sequence shows the balance changing over time. After a security crisis, policy moved toward broader surveillance, and later privacy concerns led Congress to place new limits on the program.

Trap. public order does not automatically outweigh every liberty. The Court weighs the government's interest in each case, and in *New York Times Co. v. United States* the Court sided with press freedom even though the government raised national security. When a question asks how the Court balanced these interests, base your answer on what the Court did in that case rather than on which interest seems more important in general.

3.7 Selective Incorporation

The Fourteenth Amendment, ratified in 1868, says no state shall deprive any person of life, liberty, or property without **due process of law**. Starting in the twentieth century, the Supreme Court used that clause to apply parts of the Bill of Rights to state and local governments. The Court did this one protection at a time through individual cases. That process is called **selective incorporation** because the Court selected which rights to apply instead of applying the entire Bill of Rights at once.

The first step came in *Gitlow v. New York* (1925), which applied free-speech protection to the states. Over the following decades the Court incorporated nearly the entire Bill of Rights, with a few holdouts, like the Third Amendment's ban on quartering soldiers and the grand-jury requirement of the Fifth Amendment. On the exam, McDonald (Second Amendment), Gideon (right to counsel), and Mapp v. Ohio (the exclusionary rule, 1961) are the incorporation cases you should recognize.

Trap. incorporation runs through the Fourteenth Amendment's Due Process Clause, not its Equal Protection Clause. Both clauses sit in the same amendment, which is exactly why the exam mixes them up. The Due Process Clause is the part that applies Bill of Rights protections to the states, and the Equal Protection Clause is the part that addresses equal treatment. The Fifth Amendment's own Due Process Clause applies to the national government, so a state action should be analyzed under the Fourteenth Amendment.

3.8 Amendments: Due Process and the Rights of the Accused

Due process has two forms, and the exam tests the difference between them. **Procedural due process** asks whether the government followed fair procedures before depriving someone of life, liberty, or property, such as giving notice, holding a hearing, and using a neutral judge. **Substantive due process** asks whether the government is allowed to restrict a particular liberty at all, even if it follows fair procedures.

The Fourth, Fifth, Sixth, and Eighth Amendments protect people who are accused of crimes. The **Fourth Amendment** bars unreasonable searches and seizures, and the **exclusionary rule** keeps illegally seized evidence out of criminal trials. The **Fifth Amendment** protects against self-incrimination and double jeopardy and guarantees due process at the national level. Before custodial interrogation, police must give the **Miranda** warnings, informing suspects of their rights to remain silent and to have counsel. The **Sixth Amendment** promises a speedy and public trial, an impartial jury, and the **right to counsel**. The **Eighth Amendment** bans cruel and unusual punishment and excessive bail and fines.

The required case is **Gideon v. Wainwright** (1963). Clarence Earl Gideon was charged with a felony in Florida and asked for a lawyer; the state refused because he was not facing the death penalty. The Court held that the Sixth Amendment right to counsel applies to felony defendants in state courts, and that states must provide counsel to defendants who cannot afford one. It was also an incorporation case, extending the right through the Fourteenth Amendment.

Trap. Gideon covers felony defendants in state court and requires counsel for defendants who cannot afford a lawyer. It did not apply to every kind of proceeding, and it did not create the Miranda warnings. *Miranda v. Arizona*, decided three years later, covers warnings before custodial interrogation. Gideon is about counsel at trial, and Miranda is about warnings before questioning.

3.9 Amendments: Due Process and the Right to Privacy

Some constitutional rights are not written down anywhere in the document. The **Ninth Amendment** says the people retain rights beyond those specifically listed, and the Court has used **substantive due process** to protect **unenumerated rights**, liberties the text implies but never names. The most developed of these is the **right to privacy**, recognized in *Griswold v. Connecticut* (1965), which struck down a state ban on contraceptives for married couples.

The privacy right's most contested application was abortion. In *Roe v. Wade* (1973) the Court held that the right to privacy protected a woman's decision to end a pregnancy. Nearly fifty years later, in *Dobbs v.*

Jackson Women's Health Organization (2022), the Court held that the Constitution does not confer a right to abortion and overruled Roe, returning abortion regulation to elected representatives at the state and federal level.

Note. The privacy doctrine is still good law in its other applications, like contraception under Griswold. Dobbs overruled Roe's abortion holding; it did not erase the right to privacy itself. For exam purposes, Dobbs is a useful case for deciding what counts as an unenumerated right.

Trap. Dobbs did not ban abortion nationwide. It removed the federal constitutional right and sent the issue back to legislatures. Options that describe a national ban, or that say the Court declared abortion unconstitutional, misstate the holding.

3.10 Social Movements and Equal Protection

Before the Fourteenth Amendment, two wartime steps attacked slavery directly. The **Emancipation Proclamation** was executive action freeing enslaved people in states in rebellion during the Civil War. The **Thirteenth Amendment** went further, abolishing slavery by constitutional amendment. These steps ended the institution of slavery; the Fourteenth Amendment then addressed what equal citizenship would mean afterward.

The **Equal Protection Clause** of the Fourteenth Amendment requires states to provide equal protection of the laws. That clause was added in 1868, but it took about a century of **social movements**, meaning organized collective efforts to change law and policy, for equal protection to be enforced more broadly.

The **civil rights movement** of the 1950s and 1960s is the main example in this unit. The required case is **Brown v. Board of Education** (1954), which held that race-based segregation in public schools violates equal protection, rejecting the **separate but equal** doctrine that had justified segregation since Plessy v. Ferguson (1896). The required document is Martin Luther King Jr.'s **Letter from a Birmingham Jail** (1963), written after his arrest for protesting segregation, arguing that direct nonviolent action is morally required against unjust laws and that people have a duty to disobey laws that degrade human dignity.

Other movements followed a similar approach. The **women's rights movement** pushed for equal legal, political, and economic treatment regardless of sex. The **LGBTQ rights movement** has sought equal legal treatment and protection in areas such as employment and marriage. On the exam, look for a movement identifying unequal treatment, organizing around it, and pressing one or more branches of government to respond.

Trap. Brown struck down school segregation; it did not end segregation everywhere by itself. The broader dismantling came through later court decisions and, crucially, the Civil Rights Act of 1964 and the Voting Rights Act of 1965. If a question asks what ended segregated lunch counters or protected voting rights, the answer is more likely to involve Congress and those statutes than Brown alone.

3.11 Government Responses to Social Movements

Each branch has a way of answering a movement. Courts reinterpret or enforce constitutional rights, as *Brown* did for school segregation and as later decisions did for other equal-protection claims. Congress passes statutes such as the **Civil Rights Act of 1964**, which banned discrimination in public accommodations and employment, the **Voting Rights Act of 1965**, which banned racial discrimination in voting, and **Title IX** (1972), which barred sex discrimination in education programs receiving federal money.

The presidency can also respond through executive orders and enforcement decisions. When a question asks how the government responded to a movement, identify which branch acted. A court ruling that changes what the Constitution requires is a judicial response, and a new statute that changes the law is a legislative response.

- Judicial: court decisions that reinterpret or enforce rights, like *Brown v. Board of Education*.
- Legislative: statutes that ban discrimination directly, like the Civil Rights Act of 1964 and the Voting Rights Act of 1965.
- Executive: orders and enforcement actions that implement or extend protections.

3.12 Balancing Minority and Majority Rights

Majority rule means that political decisions usually follow the preference of the greater number.

Minority rights means that the majority cannot use its power to remove basic protections from dissenters or disadvantaged groups. The Constitution includes both ideas. Majorities are allowed to govern, but the Bill of Rights and the Equal Protection Clause place limits on what majorities may do.

The required case is **Shaw v. Reno** (1993). After the 1990 census, North Carolina drew a congressional district shaped to create a **majority-minority district**, where a racial minority would form the voting majority, aiming to comply with the Voting Rights Act. The Court held that voters could bring an equal-protection challenge to the district because race had predominated in drawing its unusually shaped boundaries. *Shaw* shows both sides of that balance. The Voting Rights Act protects minority voting power, and the Equal Protection Clause limits how far race can be used as the main reason for drawing district lines.

Trap. *Shaw* did not ban majority-minority districts. It held that when race is the predominant factor in drawing a district, the district must satisfy strict scrutiny. That means *Shaw* allowed voters to challenge districts drawn mainly because of race, but it did not rule out every district drawn to give minority voters a fair opportunity to elect a candidate.

3.13 Affirmative Action

Affirmative action refers to policies meant to address disparities in education and employment linked to characteristics like race, ethnicity, and gender. In college admissions, the constitutional question has always been whether considering race to promote diversity or remedy past discrimination can survive the Fourteenth Amendment's demand for equal protection.

The Court's answer changed over time. In *Regents of the University of California v. Bakke* (1978) the Court struck down rigid racial quotas but allowed race as one factor among many in admissions. In *Grutter v. Bollinger* (2003) the Court upheld a law school's holistic consideration of race, deferring to the university's educational judgment. Then, in the *Students for Fair Admissions* cases decided in 2023, the Court held that the race-conscious admissions programs at Harvard and the University of North Carolina violated the Equal Protection Clause because the Court found that the universities' stated interests were not measurable enough to survive strict scrutiny and that their programs were not narrowly tailored. The decisions withdrew *Grutter*'s deference and ended race-conscious admissions as *Bakke* and *Grutter* had permitted them.

On the exam, describe the debate in terms of constitutional values. Supporters argue that race-conscious policies remedy the effects of past discrimination and that diverse student bodies serve compelling educational interests. Critics argue that the Equal Protection Clause requires the government to treat people as individuals rather than as members of racial groups, and that any consideration of race is itself discrimination.

Trap. the 2023 decisions addressed college admissions, not all affirmative action everywhere. Employment programs, government contracting rules, and other contexts raise their own legal questions under their own precedents. If a question asks about university admissions after 2023, the answer is that race-conscious admissions were struck down; if it asks about a different context, that is a different body of law.

Your 20-minute plan for this unit

- Minutes 0-5. Skim the trap table and say each fix out loud. Then open the Unit 3 flashcards in Rycal and run the Core cards for topics 3.1 through 3.9, the liberties half of the unit.
- Minutes 5-12. Do a two-minute Brain Dump on selective incorporation and write everything you remember about how the Bill of Rights reached the states, then check it against section 3.7 and fill the gaps. Follow with the Core flashcards for 3.10 through 3.13.
- Minutes 12-18. Work the two practice questions above plus a set of AP-style questions in Rycal, focusing on any case whose holding you could not state in one sentence.
- Minutes 18-20. Run one FRQ drill by outlining a Q3-style comparison of a required case you know with a fact pattern you invent, and state the shared principle first. Close with the six-question recall check.

Confusions That Cost Points

These are common mix-ups on released exams.

The same mix-ups show up in the Unit 3 flashcards in Rycal, so you can turn a row you keep getting wrong into a card and see it again over the next few days.

THE MIX-UP	THE FIX
Civil liberties vs. civil rights	Liberties are freedoms the government may not take from you (speech, religion, due process). Rights are guarantees of equal treatment. Government silencing someone is liberties; government treating a group worse is rights.
Procedural vs. substantive due process	Procedural asks whether the government used fair procedures. Substantive asks whether the government may infringe the liberty at all. How versus what.
Establishment vs. Free Exercise Clause	Establishment stops the government from sponsoring religion (Engel). Free exercise stops it from burdening religious practice (Yoder). Check who is acting: the state composing prayer is establishment; a believer blocked from practicing is free exercise.
Which clause incorporated the Bill of Rights	The Fourteenth Amendment Due Process Clause carried protections to the states, case by case. Equal protection is the equality clause, not the incorporation vehicle. The Fifth Amendment's due process clause binds only the national government.
Gideon's scope	Gideon gave felony defendants in state courts the right to appointed counsel. It did not create the Miranda warnings and did not promise a free lawyer in every kind of proceeding.
New York Times v. United States	The case rejected prior restraint of the Pentagon Papers under a heavy presumption against it. It did not create an absolute right to publish anything without consequence.
What Dobbs actually held	Dobbs held the Constitution does not confer a right to abortion and overruled Roe, returning the issue to legislatures. It did not impose a nationwide ban.
Brown's reach	Brown struck down segregated public schools and rejected separate but equal. Desegregating lunch counters, buses, and voting came through later decisions and the Civil Rights Act and Voting Rights Act.

Practice Questions

The questions below were written for this guide in the style of the AP exam. Try each question before you read the answers and explanations that follow.

1. A state legislature passes a law requiring every public school to begin the day with a prayer written by a state committee. A group of parents sues. Which Supreme Court precedent most directly controls the outcome?

- A. Engel v. Vitale, because the state composed the prayer
- B. Wisconsin v. Yoder, because the law burdens religious families
- C. Tinker v. Des Moines, because students have speech rights in school
- D. McDonald v. Chicago, because the law applies to the states

- 2.** State police search a suspect's home without a warrant and without any exception to the warrant requirement. At trial, the prosecution offers evidence found during the search. The defense moves to exclude it. Which constitutional basis best supports the defense's motion?
- A. The Fourth Amendment exclusionary rule, applied to the states through the Fourteenth Amendment Due Process Clause
 - B. The Fifth Amendment Due Process Clause, which directly limits state police
 - C. The Equal Protection Clause, because the search treated the suspect unfairly
 - D. The Eighth Amendment, because an illegal search is cruel and unusual punishment
- 3.** Through which constitutional provision has the Supreme Court applied most of the Bill of Rights' protections against state governments?
- A. The Necessary and Proper Clause
 - B. The Fourteenth Amendment's Due Process Clause
 - C. The Tenth Amendment
 - D. The Commerce Clause
- 4.** A student newspaper publishes an editorial harshly criticizing the president's handling of a national crisis. School officials threaten to punish the editors. Under the First Amendment as interpreted by the Supreme Court, which principle best protects the students?
- A. Prior restraint is unconstitutional only during peacetime.
 - B. Political speech criticizing government leaders receives strong protection, and the government bears a heavy burden to justify punishing it.
 - C. Student speech has no First Amendment protection on school grounds.
 - D. The clear and present danger test permits punishing any criticism during emergencies.

Answer Key

1. A. A is correct because *Engel v. Vitale* (1962) struck down a state-composed school prayer as an establishment of religion, and these facts match it almost exactly. B is the trap: *Yoder* is a free exercise case about the government burdening religious practice, but here the government is sponsoring religion, so the Establishment Clause controls. C is the trap: *Tinker* protects student expression from school censorship, but the parents are not objecting to student speech, they are objecting to the state's own prayer. D is the trap: *McDonald* is about the Second Amendment and incorporation, and the phrase about applying to the states tries to pull you toward a Fourteenth Amendment issue that is not the point of this case.

2. A. A is correct because the exclusionary rule bars illegally seized evidence and reaches state courts through selective incorporation via the Fourteenth Amendment Due Process Clause. B is the trap: the Fifth Amendment's Due Process Clause binds the national government, not the states, so state police action runs through the Fourteenth. C is the trap: equal protection addresses discriminatory treatment of groups, not search procedure, and these facts show no unequal treatment. D is the trap: the Eighth Amendment covers bail, fines, and punishment, and a search is none of those.

3. B. B is correct because selective incorporation runs through the Fourteenth Amendment's Due Process Clause, which the Court has used to apply most Bill of Rights protections against the states. A is incorrect because the Necessary and Proper Clause concerns the scope of congressional power, not rights against the states. C is incorrect because the Tenth Amendment reserves undelegated powers to the states; it does not extend rights against them. D is incorrect because the Commerce Clause concerns federal regulatory power over interstate commerce.

4. B. B is correct because political speech, especially criticism of government leaders, sits at the core of First Amendment protection, and the government must meet a heavy burden to justify punishing it. A is incorrect because the doctrine against prior restraint is not limited to peacetime. C is incorrect because students retain speech rights at school under *Tinker v. Des Moines*, though schools have some authority over disruptive speech. D is incorrect because the modern incitement standard is far narrower than permitting punishment of any wartime criticism.

If you missed one here, add the case or rule behind it to your Rycal review and work it again spaced out over the next few days instead of rereading it once. The practice questions for this unit in Rycal aim at the same traps named in the explanations above.

One-Page Recall Check

Say each answer out loud or write it down before you check the guide. Answering from memory helps you recall the ideas later, while looking at the page first only helps you recognize the words.

Anything you cannot say out loud on the first try belongs in your Unit 3 deck in Rycal so it comes back in spaced review.

1. In your own words, what is the difference between a civil liberty and a civil right, and which one is at stake when a city bans a protest march?
2. Explain selective incorporation: which amendment makes it possible, which clause does the work, and name two rights it carried to the states.
3. State the holdings of *Engel v. Vitale* and *Wisconsin v. Yoder*, and say which religion clause each one interprets.
4. What is prior restraint, and what did *New York Times Co. v. United States* decide about it?
5. Contrast procedural and substantive due process, then give one example of each from the rights of the accused.
6. Trace the Court's affirmative action doctrine from *Bakke* through *Grutter* to the 2023 *Students for Fair Admissions* decisions. What changed?

Key terms for this unit

Bill of Rights, Civil liberties, First Amendment, Second Amendment, Fourth Amendment, Fifth Amendment, Sixth Amendment, Eighth Amendment, Ninth Amendment, Tenth Amendment, Civil rights, Equal Protection Clause, Civil rights movement, Women's rights movement, LGBTQ rights movement, Letter from a Birmingham Jail, National Organization for Women, Pro-life movement, Pro-choice movement, *Brown v. Board of Education*, Civil Rights Act of 1964, Voting Rights Act of 1965, Title IX, Court ruling as policy response, Legislation as policy response, Equal protection enforcement, Minority rights, Majority rule, Emancipation Proclamation, Thirteenth Amendment, Separate but equal, *Brown v. Board* and minority rights, *Shaw v. Reno*, Majority-minority district, Affirmative action, Equal protection and affirmative action, Race-

conscious policy, Regents of the University of California v. Bakke, Grutter v. Bollinger, Students for Fair Admissions, Establishment Clause, Free Exercise Clause, Religious liberty, Engel v. Vitale, Wisconsin v. Yoder, Establishment vs. free exercise tension, Government neutrality toward religion, Freedom of speech, Symbolic speech, Time, place, and manner restrictions, Defamation, Libel, Slander, Clear and present danger, Schenck v. United States, Tinker v. Des Moines, Obscenity, Freedom of the press, Prior restraint, Heavy presumption against prior restraint, New York Times Co. v. United States, Pentagon Papers, National security and press freedom, Right to bear arms, McDonald v. Chicago, Second Amendment incorporation, Firearm regulation, Individual liberty and public safety, Public order, Cruel and unusual punishment, Death penalty, Fourth Amendment privacy, Digital metadata, Public safety exception, Liberty-order balance, Selective incorporation, Fourteenth Amendment Due Process Clause, Incorporation, State regulation of civil liberties, McDonald v. Chicago and incorporation, Gideon v. Wainwright and incorporation, Gitlow v. New York, Procedural due process, Fifth Amendment Due Process Clause, Miranda rule, Right to counsel, Gideon v. Wainwright, Exclusionary rule, Unreasonable search and seizure, Speedy and public trial, Impartial jury, USA Freedom Act, Patriot Act, Substantive due process, Unenumerated rights, Right to privacy, Ninth Amendment and unenumerated rights, Griswold v. Connecticut, Roe v. Wade, Dobbs v. Jackson Women's Health Organization, Privacy debate.

Questions students ask about Unit 3

How much of the exam is Unit 3?

Unit 3 is 13 to 18 percent of the AP exam, which is roughly one multiple-choice question in six. Required cases from this unit can also be used in the Q3 SCOTUS Comparison free-response question.

Do I have to memorize every case mentioned in the guide?

No. The required cases to memorize are Engel, Yoder, Tinker, Schenck, New York Times v. United States, McDonald, Gideon, Brown, and Shaw. Learn to state each holding in one sentence. The other cases in this guide are background that helps the required ones make sense, and you will not be penalized for leaving them out.

What is the single most tested distinction in this unit?

Civil liberties versus civil rights, followed closely by procedural versus substantive due process. Both pairs show up as answer choices designed to catch students who memorized definitions without learning which fact patterns each one fits.

Can the exam ask about Dobbs or the 2023 affirmative action decisions?

Yes. The exam can test current doctrine, so you should know that Dobbs overruled Roe and that the Students for Fair Admissions decisions ended race-conscious admissions in the cases before the Court. Be careful to state what each Court decided and what it did not decide.

How should I study the cases so I can actually use them on the FRQs?

For each required case, practice giving the facts in one sentence, the holding in one sentence, and the constitutional principle in one sentence. The Q3 comparison question asks you to state the principle in a required case and apply that principle to a new fact pattern.

Where to go next

Turn every missed item from the practice questions, the recall questions, and the trap table into flashcards and drill them spaced out over several days rather than in one sitting. In Rycal, use the Unit 3 flashcards under AP U.S. Government. That deck covers the terms and required cases in this guide, and the practice questions for the unit target the same traps named in the table and the answer explanations. Add new misses as cards when they come up, and if a holding still will not stick, write a Brain Dump on it in Rycal before you check the guide again.

About this guide. Written for Rycal and aligned to the College Board AP U.S. Government and Politics course framework, Unit 3. All questions and explanations are original Rycal writing. Rycal is independent and is not affiliated with or endorsed by the College Board.