

## Feel Good, Inc.

Listen to the ROOM 2B podcast **Feel Good, Inc.** at [mrreview.org](http://mrreview.org) and complete the following exercise. Be prepared to discuss with your classmates.

1. In your own words, write a definition for selective incorporation. Why have some called the passage of the Fourteenth Amendment a second revolution?
2. Explain how each of these cases exemplify selective incorporation:

Gitlow v. New York (1925)

Everson v. Board of Education (1947)

Mapp v. Ohio (1961)

Gideon v. Wainwright (1963)

3. In this podcast, a political scientist claims we have begun to un-incorporate the Bill of Rights. Explain. Is this something to be concerned about?
4. Read the scenario below taken and answer the prompts that follow:

The Anti-Terrorism and Effective Death Penalty Act of 1996 (AEDPA) is surely one of the worst statutes ever passed by Congress and signed into law by a President. The heart of the law is a provision saying that, even when a state court misapplies the Constitution, a defendant cannot necessarily have his day in federal court. Instead, he must prove that the state court's decision was 'contrary to' what the Supreme Court has determined is 'clearly established federal law,' or that the decision was 'an unreasonable application of' it.

This law gutted the federal writ of habeas corpus, which a federal court can use to order the release of someone wrongly imprisoned. It is often called the Great Writ because of its extraordinary power to protect the liberty of individuals. In the nineteen-sixties, the Supreme Court expanded the law of habeas corpus as a protection against the unfair treatment of defendants at every stage of the criminal process, from arrest and interrogation through trial and sentencing, especially in cases leading to death sentences...

Excerpted from Lincoln Caplan, *The Destruction of Defendants' Rights*, *The New Yorker*, June 21, 2015

- A. Describe the main idea or essential claim.
- B. In the context of the scenario, explain how the claim discussed in (A) is impacted by national elections.
- C. Explain how judicial review influences the legislative process.