Objectives about Civil Liberties

GOVT.11 The student will demonstrate knowledge of civil liberties and civil rights by
a) examining the Bill of Rights, with emphasis on First Amendment freedoms;
b) analyzing due process of law expressed in the 5th and 14th Amendments;
c) explaining selective incorporation of the Bill of Rights;
d) exploring the balance between individual liberties and the public interest;
e) explaining every citizen’s right to be treated equally under the law.

Essential Understandings about Civil Liberties

1. The first ten amendments to the Constitution of the United States, known as the Bill of
   Rights, outline American civil liberties.
2. The right to due process of law is outlined in the 5th and 14th Amendments to the
   Constitution of the United States.
3. The selective incorporation of the Bill of Rights through the 14th Amendment (due process of
   law clause) greatly enhances the protection of civil rights

Essential Questions about Civil Liberties

1. What is the Bill of Rights?
2. What are the freedoms listed in the First Amendment to the Constitution of the United
   States?
3. How did the Supreme Court use the 14th Amendment to extend the Bill of Rights protections
   to state proceedings?


Preventing Abuse of Power

I. Second Amendment

1. “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.”

2. Although the Constitution allowed Congress to create a national army and navy, the framers were wary of standing armies.

3. Militias, in their view, provided a ____________________________.

4. United States v. Miller (1939) – the first court case to ____________________________, upheld the National Firearms Act of 1934
   a. Required certain firearms (fully automatic and short-barreled rifles and shotguns) to be registered with the ATF

5. District of Columbia v. Heller (2008) – The Court held that the Second Amendment ____________________________
   a. The handgun ban and the trigger-lock requirement (as applied to self-defense) ____________________________.

II. Third Amendment

1. “No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.”

2. Really only an issue during colonial times

3. Offers a general guarantee for ____________________________

III. Fourth Amendment

1. “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

2. Warrant – ____________________________

3. Exceptions
   a. Consent – if you give consent to a search, ____________________________
   b. Plain View and Open Field - ____________________________

   ____________________________
   ____________________________
   ____________________________
   ____________________________.
   c. Exigent Circumstance - Law enforcement officers may also conduct warrantless searches in several types of exigent circumstances where ____________________________
d. Motor Vehicle - The Supreme Court has held that individuals in automobiles have a ________________

_____________________________________________________________________________________

e. Border search exception – Searches conducted at the United States border or the equivalent of the border (such as an international airport) may be conducted without a warrant or probable cause subject to the border search exception

4. Exclusionary Rule – provides that evidence obtained ________________

_____________________________________________________________________________________

a. __________________________ (1961) - the United States Supreme Court decided that evidence obtained in violation of the Fourth Amendment, which protects against “unreasonable searches and seizures,” may not be used in state law criminal prosecutions in state courts, as well as in federal criminal law prosecutions in federal courts as had previously been the law

Protecting Those Accused of Crimes

I. Fifth Amendment

1. “No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

2. Self-incrimination (“pleading the Fifth”) – if someone says at trial “I plead the Fifth,” it means ________________

_____________________________________________________________________________________

a. The Fifth Amendment also gives the defendant the right not to testify during a criminal trial. The judge, prosecutor and even the defendant’s attorney may not force the defendant to testify

3. Miranda v. Arizona (1966) – the Court held that statements during police interrogation are admissible at trial only if the prosecution can show the defendant was informed of:

a. __________________________

b. __________________________

➢ You have the right to remain silent and refuse to answer questions.
➢ Anything you say may be used against you in a court of law.
➢ You have the right to consult an attorney before speaking to the police and to have an attorney present during questioning now or in the future.
➢ If you cannot afford an attorney, one will be appointed for you before any questioning if you wish.
➢ If you decide to answer questions now without an attorney present, you will still have the right to stop answering at any time until you talk to an attorney.
➢ Knowing and understanding your rights as I have explained them to you, are you willing to answer my questions without an attorney present?
4. Double jeopardy – cannot be tried twice for the same crime; 

a. Dual sovereignty doctrine – can be tried for the same crime in 

5. Takings clause – eminent domain – the power of the government to 

II. Sixth Amendment
1. “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.”
2. Speedy and public trial, except in cases where excess publicity 

3. Impartial jury – 

a. consists of persons who represent a fair cross-section of the community 

4. A criminal defendant has the right to 

5. Defendant has constitutional right to obtain witness in his/her favor 

a. Constitution gives accused persons the right to be confronted with the witnesses against them 

6. Gideon v. Wainwright (1963) - U.S. Supreme Court ruled that Sixth Amendment right-to-counsel provision applies to those accused of major crimes under 

III. Seventh Amendment
1. “In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.”
2. guarantees a minimum of in a civil trial 

3. Does not apply to 

IV. Eighth Amendment
1. “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”
2. Gregg v. Georgia (1976) - 
Rights and Powers of the States and the People

I. Ninth Amendment
   1. “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.”

II. Tenth Amendment
   1. “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

Due Process

The Fourteenth Amendment

“Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

1. Citizenship Clause – 
   a. Indian Citizenship Act of 1924 – granted full US citizenship to Native Americans
   b. Loss of Citizenship
      ➢ ➢

2. Privileges or Immunities Clause
   a. Slaughter-House Cases (1873) – ruled that the 14th Amendment did not ___________________________. It held that the Fourteenth Amendment’s Privileges or Immunities Clause affected only rights of US citizenship, not state citizenship

3. Due Process – 
   a. Right to Privacy
   b. Griswold v. Connecticut (1965) – ____________________________, any person from using “any drug, medicinal article or instrument for the purpose of preventing conception”
   c. Roe v. Wade (1973) - ____________________________, but that this right must be balanced against the state’s interests in regulating abortions: protecting women’s health and protecting the potentiality of human life.
4. Equal Protection Clause

a. *Brown v. Board* (1954) - the Court declared state laws ________________________________

[green triangle] paved the way for integration and was a major victory of the Civil Rights Movement

b. *Loving v. Virginia* (1967) - ________________________________

c. *United States v. Virginia* (1994) - The Court struck down the ________________________________
Glossary Ch. 5b

**Directions:** Fill in the definition for the term listed. Then, in the box on the right, you have to draw a picture OR write the definition in your own words OR write a sentence using the word that demonstrates its meeting.

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<th>Term</th>
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Summary

DIRECTIONS: Choose only one of the following:

a) write a summary (25-75 words) of what you believe was the most important aspect of the notes/lecture
b) write what you believe to be the most interesting or memorable part of the notes/lecture (25-75 words)
c) draw something that symbolizes the notes/lecture to you (has to be different than your title page)