

Civil Liberties & Civil Rights

Civil Liberties: Constitutionally established guarantees and freedoms that protect citizens, opinions, and property against arbitrary government interference

Civil Rights: the rights of citizens to political and social freedom and equality

Bill of Rights

Amendments 1 – 10

First Amendment

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

Religion

Engel v. Vitale (1962)

School sponsorship of religion violates the Establishment Clause

Wisconsin v. Yoder (1972)

Amish students can't be compelled to attend school

Speech

Court has established some restrictions

time, place, and manner can be regulated

Slander – speech intended to damage

Libel – written word intended to damage

Obscenity

Miller v. California

local community standards

Schenck v. U.S (1919)

“clear and present danger”

Tinker v. Des Moines (1969)

established speech rights of students

“substantially disrupts educational process”

New York Times v. United States (1971)

Pentagon Papers

“a heavy presumption against prior restraint”

Second Amendment

“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.”

McDonald v. Chicago (2010)

State can't limit right to bear arms in homes

doctrine of "selective incorporation"
application of Bill of Rights to states via 14th amendment

Fourth Amendment

"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."

Exclusionary rule

USA Freedom Act

restricts collection of data from communication companies

Fifth Amendment

Four protections for those accused of crimes
grand jury indictment for serious crimes(felonies)
protection from double jeopardy
can't self-incriminate
guaranteed due process of law

Sixth Amendment

Five basic rights at trial
speedy, public, impartial trial by jury
informed of charges
right to hear and question witnesses
right to compel witnesses to testify
right to an attorney
Gideon v. Wainwright (1963)
free attorney

Miranda v. Arizona

Origin of your "Miranda" rights

Eighth Amendment

"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

Fourteenth Amendment

"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."

Equal Protection Clause

has inspired various groups to demand equality

Civil Rights movement

Dr. Martin Luther King – Letter from a Birmingham Jail

Brown v. Board of Education (1954)

overturns “separate but equal” from Plessy

Civil Rights Act of 1964

Voting Rights Act of 1965

National Organization for Women (NOW)

Title IX of the Educational Amendments Act of 1972

Right to Privacy

not expressly stated in Constitution

Roe v. Wade (1973)