

Chapter
15

The background of the slide features a photograph of the Statue of Liberty in the foreground, holding her torch aloft. Behind her, the United States flag is waving against a clear blue sky. The text 'Civil Liberties' is overlaid on the center of the image.

Civil Liberties

Civil Liberties



- The Basis of Our Civil Liberties
- First Amendment Freedoms
- Property Rights
- Due Process Rights
- Privacy Rights
- Rights of Criminal Suspects
- Protecting Our Civil Liberties in an Age of Terror: Whose Responsibility?

The Basis for Our Civil Liberties

- Rights in the Original Constitution
 - Writ of habeas corpus
 - Ex post facto
- Bill of Rights and the States
 - Due process clause
 - Selective incorporation

TABLE

15-1 Rights in the Original Constitution

1. Habeas corpus
 2. No bills of attainder (legislative act that sentences a person or group to punishment without a trial)
 3. No ex post facto laws
 4. No titles of nobility (aristocratic titles that had also been barred by the Articles of Confederation)
 5. Trial by jury in national courts
 6. Protection for citizens as they move from one state to another, including the right to travel
 7. Protection against using the crime of treason to restrict other activities; limitation on punishment for treason
 8. Guarantee that each state has a republican form of government
 9. No religious test oaths as a condition for holding a federal office
 10. Protection against the impairment of contracts (forbids states from passing laws that effectively invalidate contracts)
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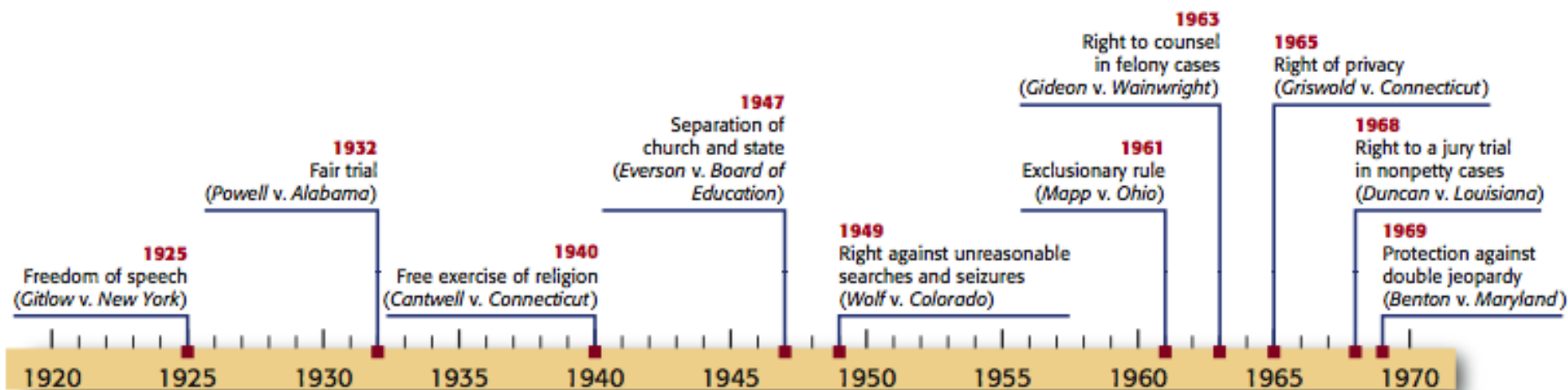


FIGURE 15–1 Timeline of Selective Incorporation.

■ Examine the kinds of rights that the Court first began to incorporate. How are those different than the rights incorporated later, particularly in the 1960s?

First Amendment Freedoms

Freedom of Religion

- Establishment Clause
 - Congress shall make no law respecting an establishment of religion.
 - Lemon Test
- Free Exercise Clause
 - Congress shall make no law prohibiting the free exercise of religion.

First Amendment Freedoms

Free Speech and Free People

- Bad tendency test
- Clear and present danger test
- Preferred position doctrine
- Protected speech
 - Prior restraint

First Amendment Freedoms

Freedom of Speech and Free People (cont.)

- Unprotected speech
 - Libel
 - Obscenity and pornography
 - Fighting words and commercial speech

First Amendment Freedoms

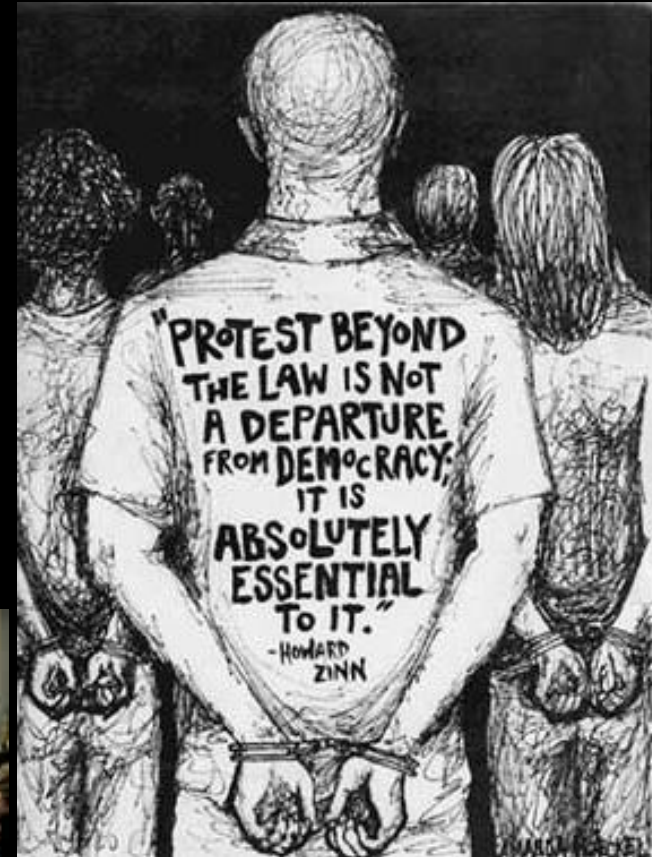
Freedom of the Press

- Broadcast and Cable Communications
 - Federal Communications Commission
- Internet
 - Generally unsuccessful to regulate

First Amendment Freedoms

Freedom of Assembly

- Time, Place, Manner Regulations
 - Civil disobedience



Property Rights



- Rights of an individual to own, use, rent, invest in, buy, and sell property
- Eminent domain

Due Process Rights

Due Process Rights

- Procedural
 - Limits how government may exercise power
- Substantive
 - Limits what government may do



Privacy Rights

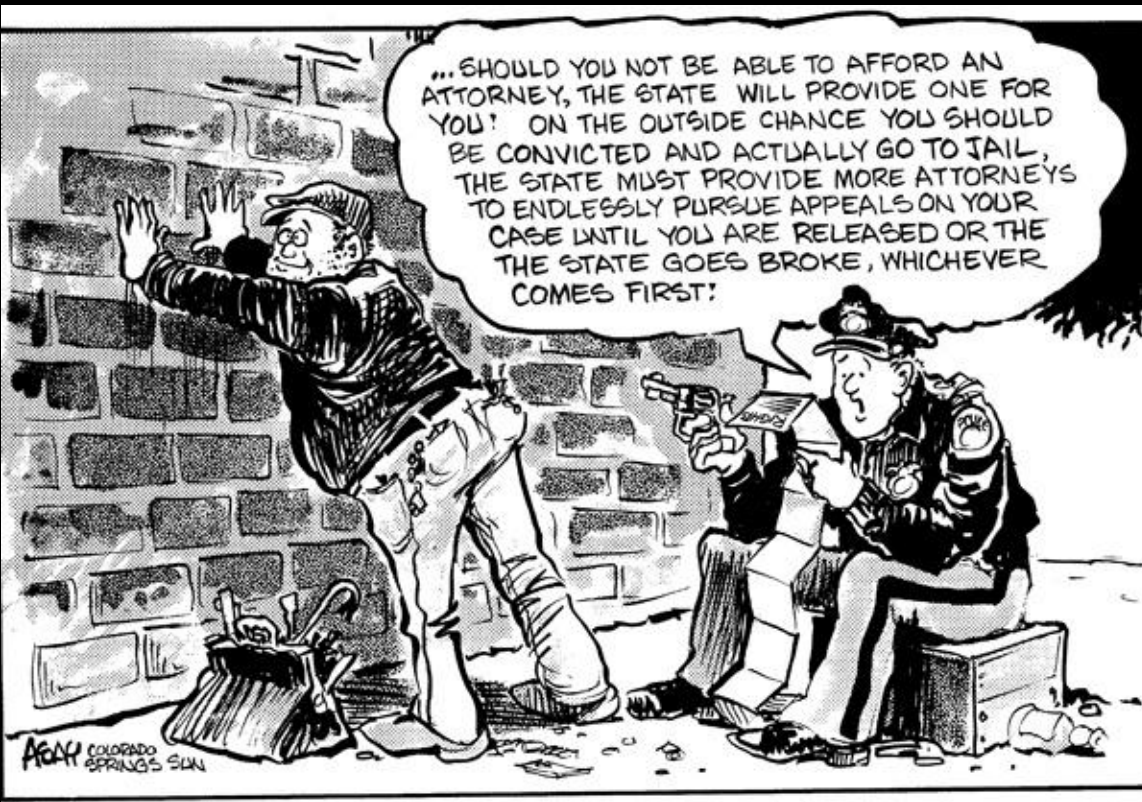
Privacy Rights

- Abortion Rights
 - *Roe v. Wade* (1973)
- Sexual Orientation Rights
 - *Lawrence v. Texas* (2003)



Rights of Criminal Suspects

Freedom from Unreasonable Searches & Seizures



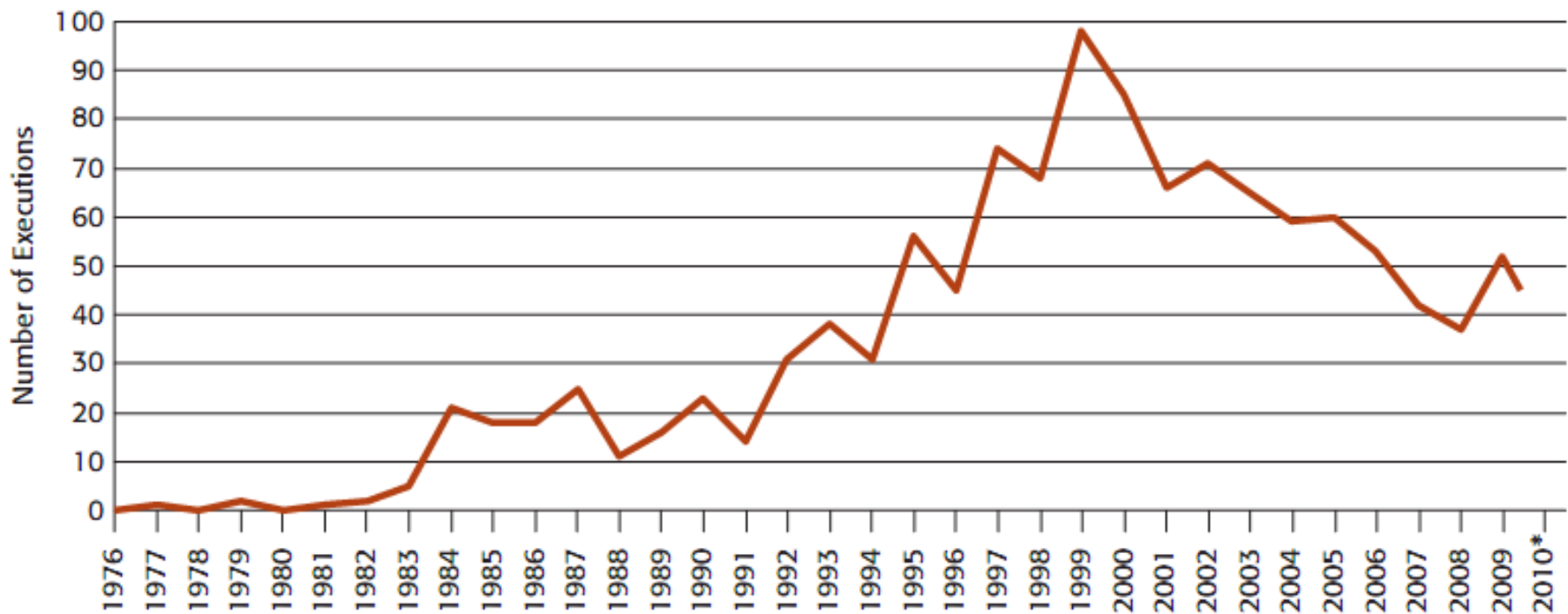
- 4th Amendment
 - Protects people, not places
- Exclusionary Rule
- Right to Remain Silent
- Miranda Warning

Rights of Criminal Suspects

Fair Trial Procedures

- Grand Jury
 - Indictment
 - Plea bargain
- Double Jeopardy
- Death Penalty





*As of November 2010

FIGURE 15-3 Number of Executions by Year, 1976–2010.

■ What factors might explain the decline in the number of executions beginning in 2000?

Protecting Our Civil Liberties in an Age of Terror: Whose Responsibility?

Civil Liberties in an Age of Terror

- Balance between national security and civil liberties
- Patriot Act of 2001

