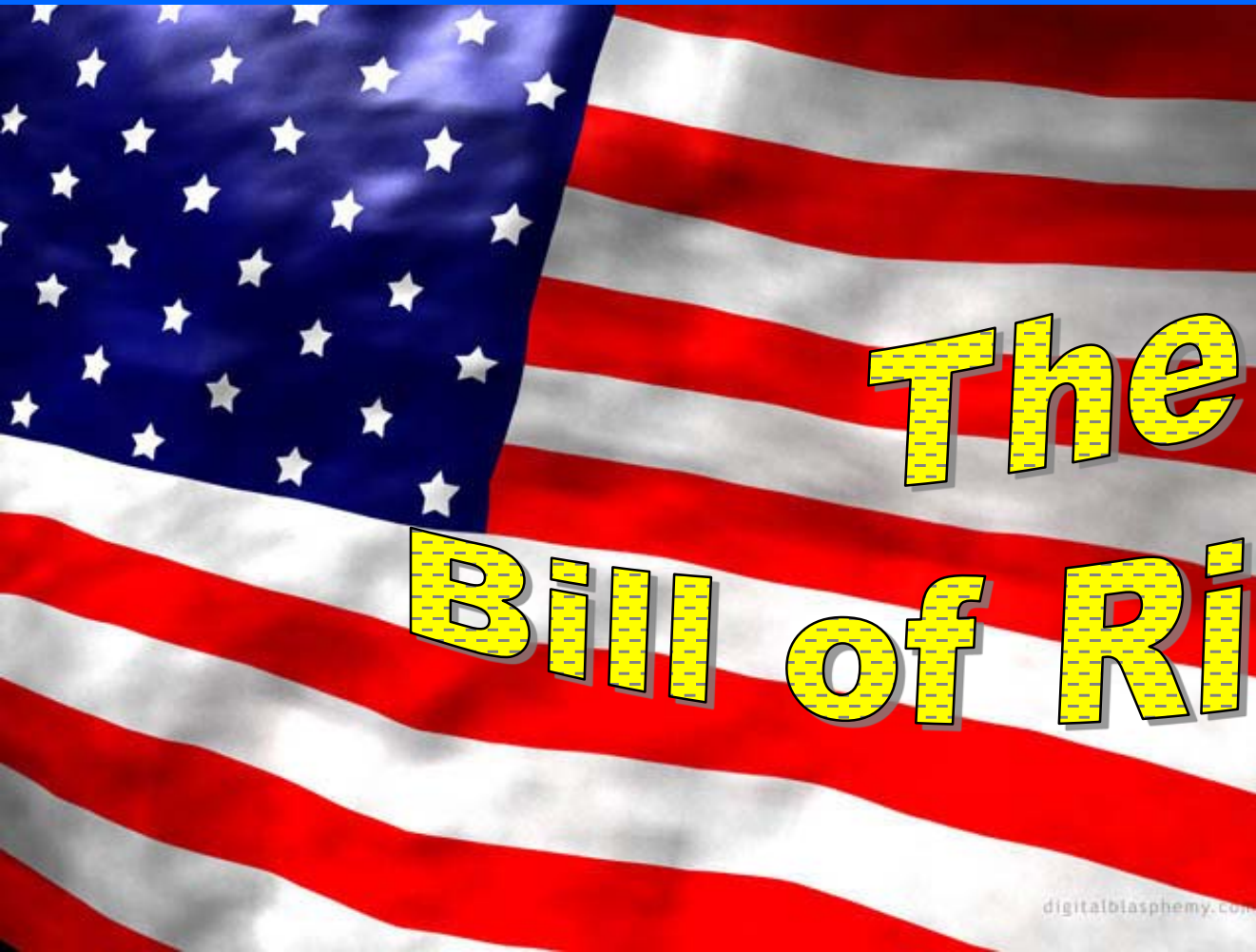


Understanding



The Bill of Rights

Our Constitutional Framework

The US Constitution is the highest law of the land.

-Limited Government

-Separation of powers

-Checks & Balances

-State & Local Powers

-Judicial Review (unconstitutional)



Bill of Rights

1st 10 amendments

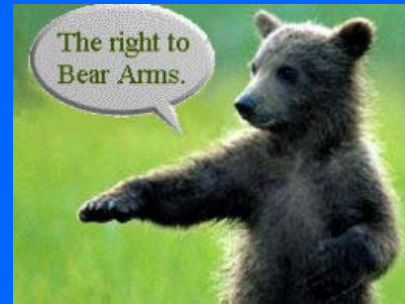
Protecting your individual rights

to the... **Constitution**

1 Religion, Speech, Press, Assembly



2 Bear arms (Guns)



3 Quarter soldiers



4 Unreasonable search



5 Due Process & Self-incrimination

Bill of Rights

1st 10 amendments

Protecting your individual rights

to the... **Constitution**

6 Lawyer, speedy trial



7 Jury

8 Cruel and Unusual

9 People have more rights

10 Rights for States and People



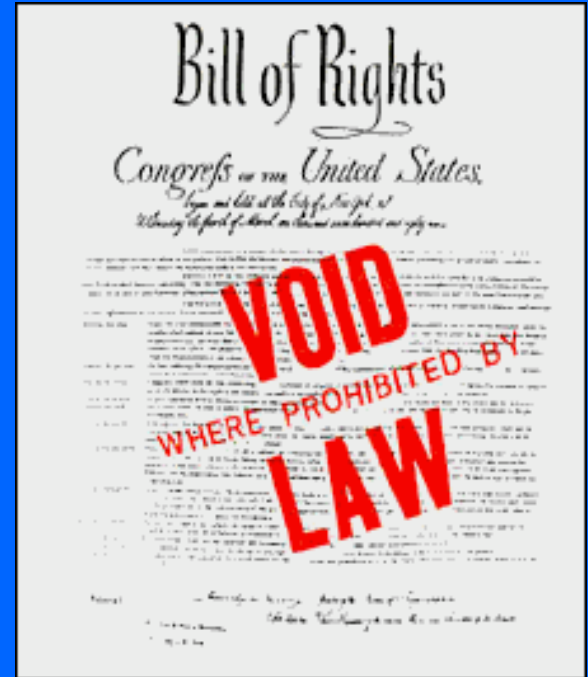
www.256.gr/smiles



Constitutional Law

Are we totally Free?? **No**

Total individual freedom would step on the rights of others



Is it ok to yell "Fire!" in a crowded theater?

Balancing test

Balancing the rights of the individual with the good of the public





Freedom of Speech



[Press & Assembly in 1st Amendment]

The full and open sharing of information is vital to a free state

"I disapprove of what you say, but I will defend to the death your right to say it"

- Voltaire

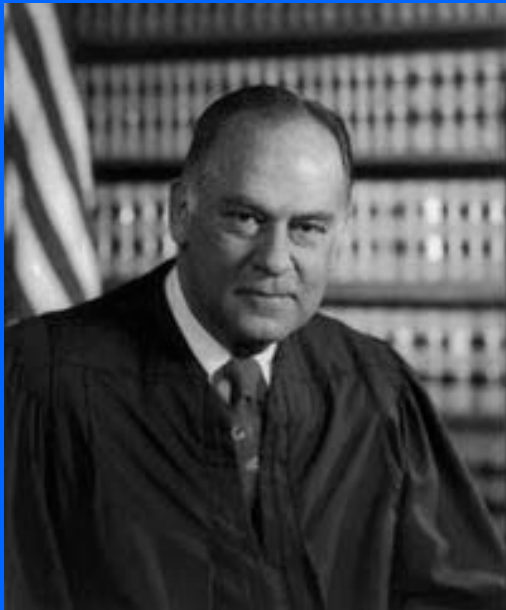


Freedom of Speech

Obscenity

Miller v. California
1973

“I know it when I see it”
– Justice Potter Stewart



- 1 Average Person in Contemporary Community test
- 2 Outlawed by State Law???
- 3 “on the whole” does it have any artistic, literary, political, or scientific value

Freedom of Speech

Defamation

People v. Croswell
1804

Damage to a person's
reputation

Truth can be the defense for libel

Spoken = Slander
Written = Libel

The Truth Monkey



The Supreme Court has made it difficult for public
figures to win defamation suits

Freedom of Speech

Commercial Speech

Limited in cases of
“public good”

Ex: Beer Alcohol content –
Strength wars...Wine???

Hostile Audiences

- Fighting Words
- Clear and Present Danger
- Incitement

Hate Speech

Special Emotional & Psychological impact





Freedom of the Press



"Where the press is free and every man able to read, all is safe. "

- Thomas Jefferson

Censorship

Government prohibiting certain information from being published

Only justified in cases where it could cause great harm...like revealing military plans





Freedom of the Press



Denying Access
to Information



The *Freedom of Information Act* (FOIA) allows the public and the press access to all non-confidential government information.

Judges often issue “gag orders” during trials to ensure a fair trial.





Freedom of the Press



Disclosing sources

Sometimes the government wants to know how a reporter found out about something...a leak

Reporters have gone to jail for not revealing their sources

Shield laws

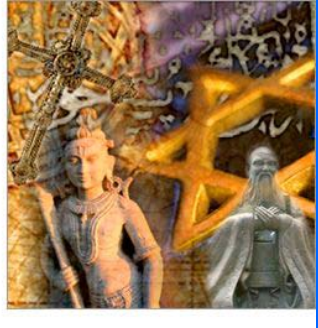


Freedom of Religion

The idea of freedom of religion is rooted in our Puritan beginnings.

The Puritans left England in order to practice their own form of Christianity without interference from the government.

Roger Williams





Freedom of Religion



"The civil rights of none shall be abridged because of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner or in any pretext, infringed."

- James Madison

Freedom of Religion

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof”

Establishment
Clause

Santa
Clause

Free Exercise
Clause

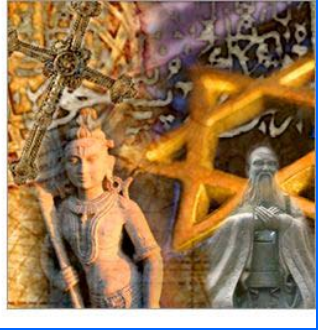
Government may not setup a “State” Religion.



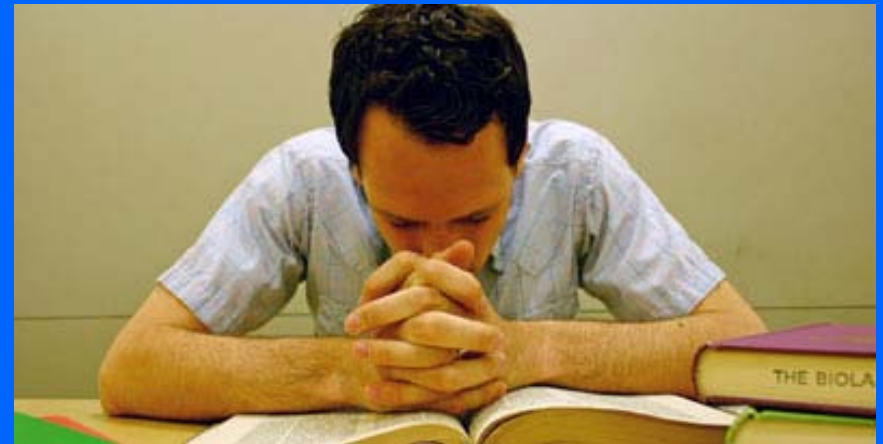
Individuals may worship as they wish.

Freedom of Religion

Establishment Clause



- 1 No State Church
- 2 No one religion over another



Court Challenges

Prayer in public schools and aid to parochial schools.



Freedom of Religion

Free Exercise

- 1 Chose to believe or do what I want
- 2 Chose NOT to believe or do what I want



Court Challenges

Can be restricted if it interferes with the goals of the Gov.

The Right to bear arms

Gun Control Act of 1968

After the assassinations of Robert Kennedy and ML King pressure rose for some form of gun control

- Limited who could sell and who could buy guns

Brady Handgun Act of 1993

- Named after Reagan's Press Sec.

- Required a 5 day "cooling off" period and background check
- A new computerized system has made the law moot



Freedom from Unreasonable Search and Seizure

4th Amendment

consent to search



If you say no, then a warrant from a judge is need

Plain view

Warrant not need if there is no reasonable expectation of privacy

MV exception

MVs have a lower expectation of privacy because of the regulation surrounding them





Freedom from Double Jeopardy

5th Amendment

You cannot be tried a 2nd time for the same

Protection against prosecutorial abuse

Criminal vs Civil

Different standard of proof, so DJ does not apply

[Go to SSEC TAH Site](#)

