



My Rights and Liberties: SS.7.CG.2.3 Name: _____
The Bill of Rights and Amendments
 READING #4
 Date: _____



SS.7.CG.2.3 Benchmark Clarification 4: Students will use scenarios to identify rights protected by the Bill of Rights.

The U.S. Supreme Court has interpreted the rights described in the Bill of Rights based on cases that have come before the U.S. Supreme Court. Since 1803, the U.S. Supreme Court (Court) has had the power to declare federal, state, and local laws unconstitutional. However, the U.S. Supreme Court does not interpret the laws unless a challenge to their constitutionality is brought before the Court and the Court has agreed to hear the case.

Below are some U.S. Supreme Court cases that deal with rights protected by the Bill of Rights.

Case Name	Right Protected by the Bill of Rights being Challenged	Scenario
<i>Yates v. U.S.</i> (1957)	Speech	The First Amendment protects extreme speech if it does not present a “clear and present danger” to the public.
<i>Wisconsin v. Yoder</i> (1972)	Free exercise of religion	A Wisconsin law requiring that students attend school until age 16 violates the free exercise freedoms of the Amish people.
<i>New York Times v. Sullivan</i> (1964)	Press	The First Amendment protects the publication of all statements, including false statements, about the behavior of public officials, except when people make statements knowing that they are false.
<i>Cox v. Louisiana</i> (1964)	Peaceful (peaceable) assembly	The First Amendment protects peaceable assembly even when the assembly may cause some type of violence.
<i>Brown v. Glines</i> (1980)	Petition the government	Military staff may have to get the approval of their commanding officers before sending petitions to members of Congress.
<i>Furman v. Georgia</i> (1972)	Cruel and unusual punishment	The death penalty may not be used in a racially discriminatory manner - for example, when a higher percentage of African-Americans accused of crimes are sentenced to death compared with the percentage of white defendants committing the same crimes.
<i>Palko v. Connecticut</i> (1937)	Double jeopardy	A person convicted of second-degree murder may be later tried for a different charge of first-degree murder. Protection against double jeopardy was not found to be a right in this case.
<i>Miranda v. Arizona</i> (1966)	Self-incrimination/Pleading the Fifth	Police who question people without telling them they have the right to counsel and to remain silent (not to self-incriminate) are violating those people’s Fifth and Sixth Amendment rights.
<i>Mapp v. Ohio</i> (1961)	Unreasonable search and seizure	Evidence that police have gathered from a search that violates the Fourth Amendment cannot be used in a state criminal case.

Bill of Rights - the first ten amendments of the U.S. Constitution

constitutionality - whether or not something is legal under the U.S. Constitution

cruel & unusual punishment - punishment prohibited by the Eighth Amendment to the U.S. Constitution; includes torture or other forms of punishment too severe for the crime committed

double jeopardy - the prosecution of a defendant for a criminal offense for which he has already been tried; prohibited in the Fifth Amendment to the U. S. Constitution

freedom of peaceable (peaceful) assembly - the right to hold meetings and form groups without interference by the government; guaranteed in the First Amendment

freedom of press - the right of the press to write and print news and information free from government interference; guaranteed in the First Amendment

freedom of speech - the right for citizens to speak freely without government interference; guaranteed in the First Amendment

freedom to petition the government - the freedom for citizens to engage in any nonviolent, legal means of encouraging or criticizing government action; guaranteed in the First Amendment

pleading the fifth - the right of a person to refuse to testify under oath in a court of law on the grounds that the answers could be used as evidence against him to convict him of a criminal offense

search and seizure - the process by which police or other authorities who suspect that a crime has been committed do a search of a person's property and collect evidence related to the crime; protection from illegal search and seizure is in the Fourth Amendment

self-incrimination - the right in the Fifth Amendment that protects a person from being forced to tell the police, prosecutor, judge, or jury any information that might subject him or her to criminal prosecution

unconstitutional – not in agreement with the U.S Constitution

Sources:

“Featured Cases.” *Landmark Cases of the U.S. Supreme Court*. Street Law, n.d. Web. 10 March 2014.

<<http://www.streetlaw.org/en/landmark.aspx,%20oyez.org>>

“You’ve Got Rights.” iCivics.org, n.d. Web. 10 March 2014.

<<https://www.icivics.org/teachers/lessonplans/youve-got-rights>>