

Civil Liberties Specified in the Bill of Rights

ADMENTMENT 1:	Freedom of religion, speech, press, and assembly. The right to petition the government.
ADMENTMENT 2:	Right to keep and bear arms.
ADMENTMENT 3:	Troops may not be quartered in homes in peacetime.
ADMENTMENT 4:	No unreasonable searches or seizures.
ADMENTMENT 5:	Grand jury indictment required to prosecute a person for a serious crime. No “double jeopardy” (being tried twice for the same offense). Forcing a person to testify against himself or herself prohibited. No loss of life, liberty, or property without due process.
ADMENTMENT 6:	Right to a speedy, public, impartial trial with defense counsel and right to cross-examine witness.
ADMENTMENT 7:	Jury trials in civil lawsuits involving amounts in excess of \$20.
ADMENTMENT 8:	No excessive bail or fines, no cruel and unusual punishments.
ADMENTMENT 9:	Unlisted rights are not necessarily denied.
ADMENTMENT 10:	Powers not delegated to the United States or denied to states are reserved to the state.

THE BILL OF RIGHTS AND THE STAGES OF THE CRIMINAL JUSTICE SYSTEM

<u>Stages</u>	<u>Protections</u>
<p>BEFORE A TRIAL</p> <p>1. Evidence gathered</p> <p>2. Arrest made</p> <p>3. Interrogation held</p>	<p>The Fourth Amendment prohibits “unreasonable searches and seizures.”</p> <p>The Fifth Amendment bans self-incrimination. The Sixth Amendment guarantees the right to the “Assistance of Counsel.”</p> <p>The Eighth Amendment forbids “excessive bail.”</p>
<p>AT THE TRIAL</p>	<p>Article III requires a trial by jury.</p> <p>The Fifth Amendment bars “double jeopardy” (being tried twice for the same crime).</p> <p>The Sixth Amendment requires a “speedy and public trial by an impartial jury.”</p> <p>The Sixth Amendment guarantees defendants the right to confront witnesses and to call defense witnesses.</p>
<p>PUNISHMENT</p>	<p>The Eighth Amendment bans “cruel and unusual punishments.”</p>

INCORPORATION AND THE BILL OF RIGHTS

Amendment	Right	Date	Case
I.	Speech Press Assembly Religion	1925 1931 1937 1940	Gitlow v. New York Near v. Minnesota DeJonge v. Oregon Cantwell v. Connecticut
II.	Right to bear arms		Not Incorporated (Generally, the Supreme Court has upheld reasonable regulations of the right of private citizens to bear arms. Should a tough gun-control law be adopted by a state or local government and a challenge to it be made a test of incorporation might be presented to the Court in the future.)
III.	No Quartering of soldiers	1949	Not Incorporated (The quartering problem has not recurred since colonial times.)
VI.	Unreasonable searches and seizures The exclusionary rule	1961	Wolf v. Colorado Mapp v. Ohio
V.	Just compensation Self-incrimination Double Jeopardy Grand Jury Trial	1897 1964 1969	Chicago v. B&Q RR. Co. v. Chicago Malloy v. Hogan Benton v. Maryland Not Incorporated (The trend in state criminal cases is away from grand juries and toward reliance upon the sworn written accusation of the prosecuting attorney.)
VI.	Public Trial Right to counsel Confrontation of witnesses Impartial trial Speedy trial Compulsory process Jury trial	1948 1963 1965 1966 1967 1967 1968	In re Oliver Gideon v. Wainwright Pointer v. Texas Parker v. Gladden Klopper v. North Carolina Washington v. Texas Duncan v. Louisiana
VII.	Right to jury trial in civil cases		Not Incorporated (While Warren Burger was Chief Justice he conducted a campaign to abolish jury trials in civil cases to save time and money, and for other reasons.)
VIII.	Cruel or unusual punishment Excessive fines or bail	1962	Robinson v. California Not Incorporated

SOURCE: William c. Louthan, The United States Supreme Court. (Englewood Cliffs, N.J.: Prentice Hall, 1991), pp. 205-206.