

Amendment Review

1-27

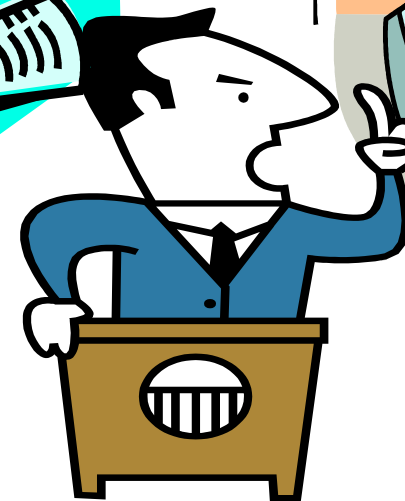
- First **10** Amendments make-up the **Bill of Rights**.
- **Anti-federalist** would not approve the Constitution until a **Bill of Rights** was added.



First Amendment: RAPPS

5 Basic Freedoms

- **R: Religion**
- **A: Assembly**
- **P: Press**
- **P: Petition**
- **S: Speech**



1st Amendment:

-protects freedom of speech, freedom of religion, freedom of assembly, freedom of the press, and right to petition



2nd Amendment:

– right to bear arms (weapons)

3rd Amendment:

– forbids quartering of soldiers

4th Amendment:

– limits searches and seizures (need a warrant)



5th Amendment:

- due process of law
- protection against self-incrimination
 - I plead the 5th!
- double jeopardy
 - cannot be tried for the same crime twice



6th Amendment:

- right to a lawyer
- right to a speedy & public trial in criminal cases

7th Amendment:

- right to a jury trial in civil cases

8th Amendment:

- forbids “cruel and unusual punishment”
- forbids excessive bails & fines



9th Amendment:

- entitles you to rights not listed in the Constitution



10th Amendment

- powers not given to the U.S. government are reserved to the states (**reserved powers**)



11th Amendment:

- places limits on an individual's right to sue states



12th Amendment:

- separate ballots for president and vice president



Civil War Amendments

13th Amendment:

- abolished slavery



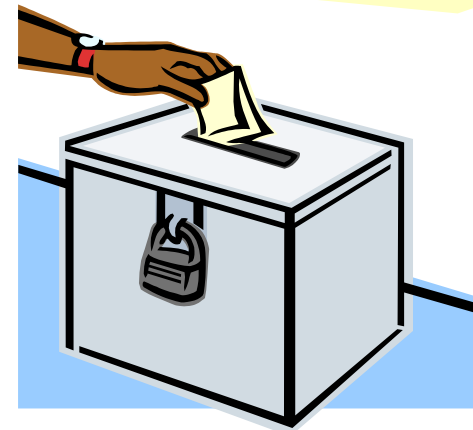
14th Amendment:

- guarantees rights of citizenship, due process and **equal protection** under the law



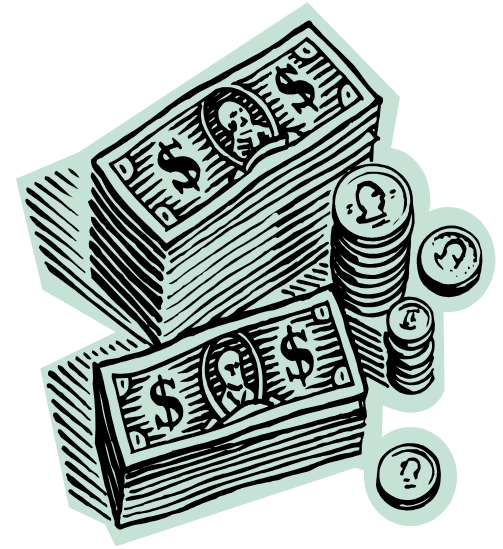
15th Amendment:

- voting rights for former slaves (**African American men**)



16th Amendment:

- created a **federal income tax**

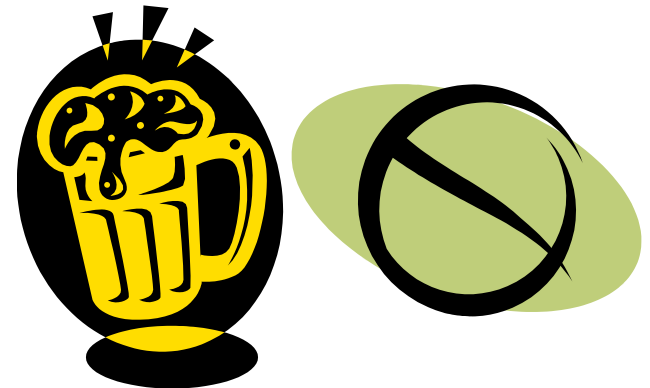


17th Amendment:

- **U.S. Senators** are elected directly by the people rather than by state legislatures

18th Amendment:

- **prohibition**-made the manufacture, sale, and transport of alcoholic beverages illegal



19th Amendment:

- gives women the right to vote (suffrage)



20th Amendment:

- sets the dates of presidential and congressional terms

21st Amendment:

- repealed (ended) prohibition-alcohol becomes legal again



22nd Amendment:

- limits the president to two terms



23rd Amendment:

- gives people in D.C. the right to vote for the president; D.C. received three electors



24th Amendment:

- bans poll taxes (forbids having to pay a tax to vote)

25th Amendment:

- establishes presidential succession

26th Amendment:

- lowers the voting age to 18
 - Passed in response to Vietnam War.

27th Amendment:

- regulates the salaries of members of Congress (rules for creating pay raises)

Landmark Supreme Court Cases

2.05 Analyze court cases that illustrate that the U.S. Constitution is the supreme law of the land.

2.06: Analyze court cases that demonstrate how the U.S. Constitution and the Bill of Rights protect the rights of individuals.

Rights of the Accused:

Mapp v. Ohio, 1961: evidence seized from a person's residence without a search warrant cannot be used in trial-exclusionary rule.

– 4th Amendment



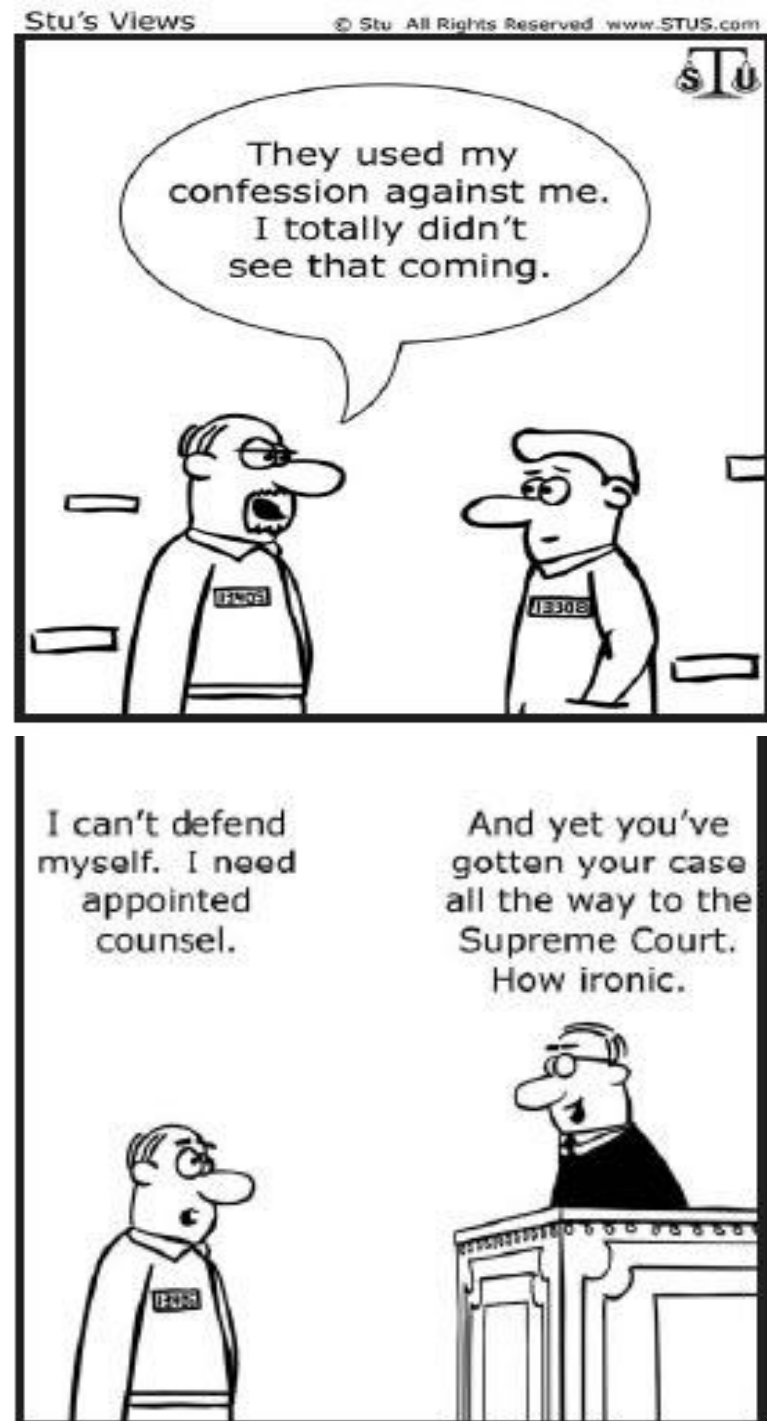
Rights of the Accused:

- ***Miranda v. Arizona, 1966:*** established the Miranda Rule, must be read rights when arrested.

– ***5th Amendment***

- ***Gideon v. Wainwright, 1963:*** right to a court appointed lawyer in criminal cases.

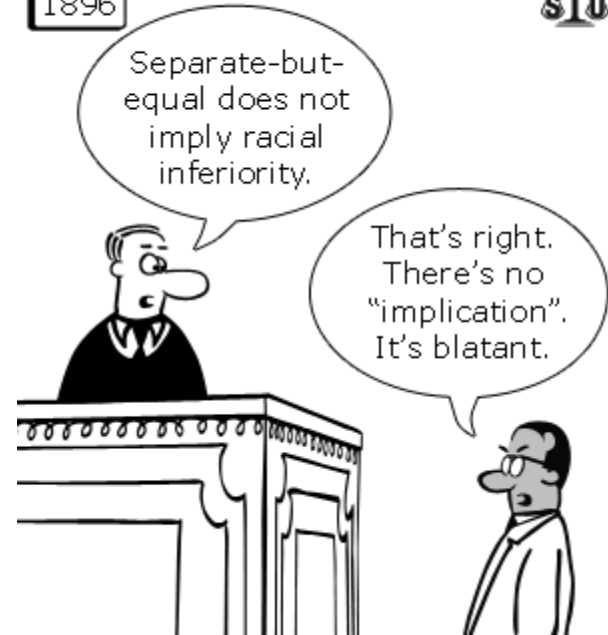
– ***6th Amendment***



Civil Rights & Discrimination

- ***Plessy v. Ferguson, 1896:*** created the “**separate but equal**” doctrine allowing segregation.
- ***Brown v. Board of Education, 1954:*** desegregated public schools.
 - Overturned ***Plessy***-“separate but equal doctrine”
 - ***14th Amendment***

1896



- ***Korematsu v. U.S., 1944***: allowed relocation of Japanese on the West Coast to interment camps during WWII.
 - “Military Urgency”- to protect national security



School Cases

- ***Tinker v. Des Moines, 1969:*** students could continue wearing armbands to protest the Vietnam War.

- ***1st Amendment: Freedom of Speech***

- ***Hazelwood v. Kulmeier, 1988:*** censorship of the school newspaper.

- ***Limits 1st Amendment: Freedom of Speech & Press***



- ***New Jersey v. TLO, 1985:*** unreasonable search and seizures at school.
 - ***4th Amendment:*** applies to students at school
- ***Engle v. Vitale, 1962:*** no forced prayer (teacher led) at public schools.
 - ***1st Amendment: Freedom of Religion***



School Cases: Began in North Carolina

- ***Swann v. Charlotte Mecklenburg BOE, 1971:***
allowed busing students to integrate schools.
- ***Leandro Case, 1997:***
equal distribution of wealth to low-income school districts.



Constitution and Rights

Marbury v. Madison, 1803:

Marbury had been appointed justice of the peace in D.C. shortly before Adams's left office. Adams had signed Marbury's appointment, but the document's were not delivered. Marbury sued, asking the Supreme Court to order Sec. of State Madison to deliver his commission.



- The Court ruled against Marbury, stating that they could not issue the order because they did not have the jurisdiction, the Judiciary Act of 1789 was unconstitutional and invalid.

- **The decision established the Court's power of judicial review.**

- The power of the Supreme Court to say whether any federal, state, or local law or government action goes against the Constitution.

I wish for the power to declare laws unconstitutional.

Why waste a wish on something you can grant yourself?



1819

Establishing a national bank was "necessary" to carry out Congress's power to tax.

Exactly. That's why we want it stopped.



McCulloch v. Maryland, 1819:

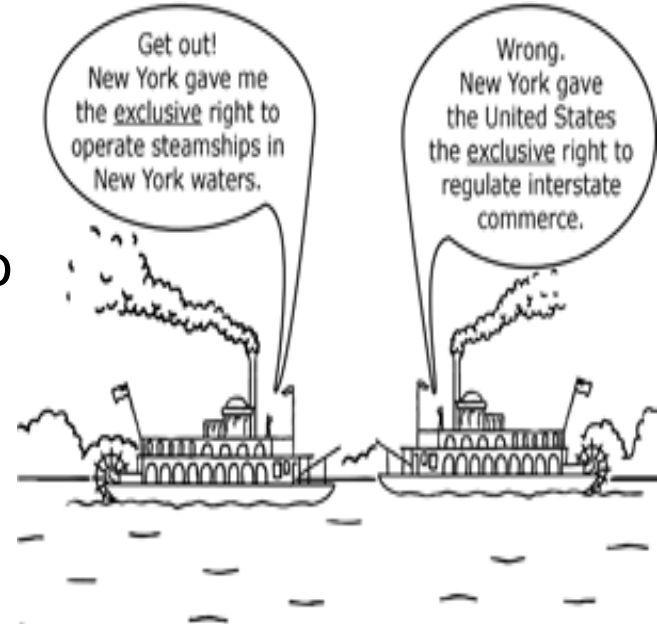
- Decided that the formation of the Second Bank of the U.S. was constitutional.
- The ruling said that the federal government could use any method to carry out its powers, as long as it was not forbidden by the Constitution.
 - **Elastic Clause/Implied Powers**
- Maryland could not tax the national bank.

Gibbons v. Ogden, 1824: "Steam Boat Case"

- The case involved a company that had been granted a monopoly by New York to control steamboat traffic. When the company tried to expand its monopoly to New Jersey the case went to court.
- **Only the federal government (Congress) can control interstate trade- Supremacy Clause.**

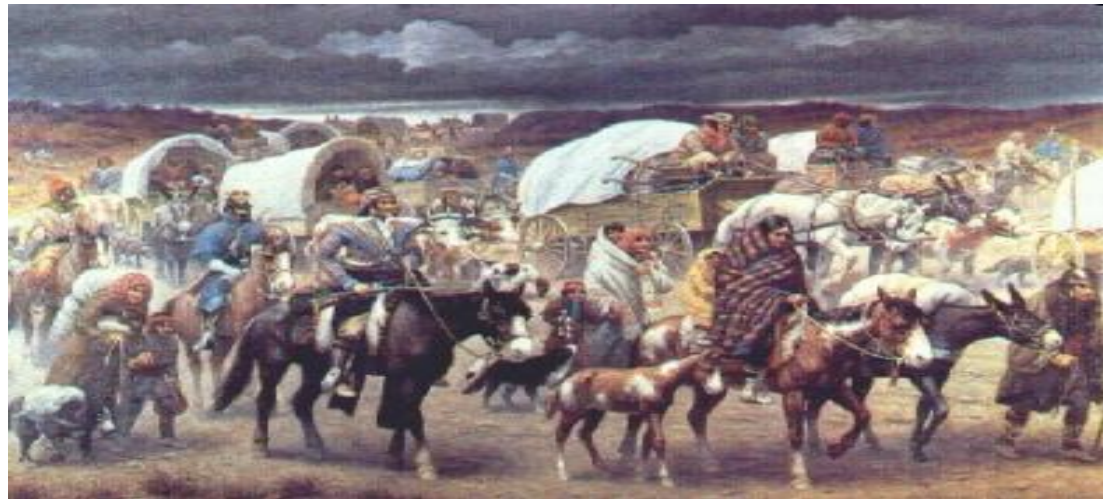
Get out! New York gave me the exclusive right to operate steamships in New York waters.

Wrong. New York gave the United States the exclusive right to regulate interstate commerce.



Worcester v. Georgia, 1832

- Cherokee sue to stay in G.A. and win case. Jackson refuses to uphold the Court's ruling- results in the Trail of Tears.
 - 800 mile journey largely by foot where about 17,000 Cherokee were rounded up and marched to what is now Oklahoma. More than a quarter (4,000+) died en route.



Slavery Cases

State v. Mann, 1830:

- The Supreme Court of N.C. ruled that slave owners had absolute authority over their slaves and could not be found guilty of committing violence against them.

Dred Scott v. Sanford, 1857:

- Scott's owner had taken him to live in free territory before returning to Missouri. Scott sued, arguing his time spent in free territory meant he was free.
- The Supreme Court ruled that:
 - Blacks, free or slave, were not citizens and therefore could not sue in the courts.
Slaves were property.
 - The court also said the **Missouri Compromise's** ban on slavery in the territories was unconstitutional.



- ***Nixon v. U.S., 1974:*** President Nixon had to turn over taped conversations incriminating him in the Watergate Scandal.
 - **Rule of Law:** no one is above the law -not even the president.
 - Nixon resigns due to the Watergate Scandal.
- ***Texas v. Johnson, 1989:*** legal to burn American flag in protest.
 - **1st Amendment: freedom of speech**
- ***Roe v. Wade, 1973:*** legalized abortion
 - **Woman's right to privacy.**

“People have a right to know whether their president is a crook. Well I am not a crook.”



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