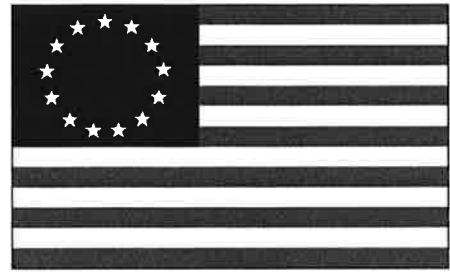


# You've Got Rights!

Name: \_\_\_\_\_

## We Defeated the British... Now What?

The year is 1791. After a bloody war against the British, the American colonists have won their independence. The new Americans are excited, but some people are afraid about what rights they'll have under a new government. They've already suffered under the heavy hand of the British king. Now, some American leaders want to create a list of rights to define what rights American citizens will have.



*The first United States flag*



*American leaders met in private to discuss what the new Constitution should include. An artist in the 1800s imagined what the scene might have looked like and painted this image of George Washington talking to the group. Washington was a federalist.*

Leaders of the new United States of America have already written a Constitution that explains exactly how the new government will work. The only problem? It can't take effect until it's approved by the new states. And there are some state leaders who don't like it. Known as the **Anti-Federalists**, these people don't even like the Constitution. They fear a strong central government, and they are demanding that the Constitution include a list of citizens' rights. Without such a list, they warn the national government will violate people's rights. They're threatening to stop the Constitution from being approved unless a list is added.

But another group, known as the **Federalists**, insists the Constitution alone is enough to protect citizens' rights. They warn that it's impossible to list every single right that citizens should have. But once rights are written, the government could take advantage by violating rights that aren't on the list.

Both sides are convinced they're right. To move forward, they hammer out a compromise: The Bill of Rights. Instead of including a list of rights in the main part of the Constitution, they add it as the first ten **amendments**, or changes, to the Constitution. One of these amendments assures that the rights listed are not the only rights citizens have.

There are three main categories of rights: individual freedoms, protections against government abuse and power, and rights of people accused of crimes. In a few minutes, you'll read the actual text of the Bill of Rights and compare it to the Pamphlet of Protections you created.



*The original Bill of Rights*

## More and More Rights

As time went on, later amendments added more rights to the Constitution. Amending the Constitution is not an easy process—and it's not supposed to be. But the difficult process has meant that important rights were slow to evolve. After the bloody Civil War was fought between the northern and southern states, African Americans who had been enslaved in the United States gained their freedom. In the 1860s and 70s, the 13th, 14th, and 15th Amendments added rights for former slaves and people of color. In the 20th century, the 19th and 26th Amendments added voting rights for women and citizens as young as 18. Even today, people are campaigning to amend the constitution to add rights for groups that are still disadvantaged.



*Suffragettes in the 1910s fight for women's right to vote. Women won the right in 1919.*

Pamphlet of  
Protections

## *The Bill of Rights*

Protection #

### **Amendment 1**

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or **abridging** the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to **petition** the government for a **redress** of **grievances**.

Protection #

### **Amendment 2**

A well regulated militia, being necessary to the security of a free **state**, the right of the people to keep and bear arms, shall not be **infringed**.

Protection #

### **Amendment 3**

No soldier shall, in time of peace be **quartered** in any house, without the consent of the owner . . . .

Protection #

### **Amendment 4**

The right of the people to be secure in their persons, houses, papers, and **effects**, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Protection #

### **Amendment 5**

No person shall . . . be subject for the same **offense** to be twice put in **jeopardy** of life or limb; nor shall be **compelled** in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without **just** compensation.

Protection #

### **Amendment 6**

In all criminal **prosecutions**, the accused shall enjoy the right to a speedy and public trial, by an **impartial** jury . . . and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have **compulsory** process for obtaining witnesses in his favor, and to have the assistance of **counsel** for his defense.

Protection #

### **Amendment 7**

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

Protection #  
\_\_\_\_\_**Amendment 8**

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Protection #  
\_\_\_\_\_**Amendment 9**

The **enumeration** in the Constitution, of certain rights, shall not be **construed** to deny or disparage others retained by the people.

Protection #  
\_\_\_\_\_**Amendment 10**

The powers not **delegated** to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

### *Other Important Amendments*

Protection #  
\_\_\_\_\_**Amendment 13**

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Protection #  
\_\_\_\_\_**Amendment 14**

All persons born or **naturalized** in the United States . . . are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the **privileges** or **immunities** of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Protection #  
\_\_\_\_\_**Amendment 15**

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

Protection #  
\_\_\_\_\_**Amendment 19**

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.

Protection #  
\_\_\_\_\_**Amendment 26**

The right of citizens of the United States, who are 18 years of age or older, to vote, shall not be denied or abridged by the United States or any state on account of age.

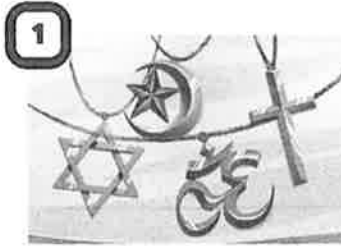
# AMENDMENT ADVANTAGE

**Do I have a right? Sure! You've got many, and they're found in the amendments, or additions, to the U.S. Constitution. This handy guide will help you navigate all the rights you'll find in our game. Check it out!**



### Freedom of Expression

You have the right to communicate and express ideas and opinions—to the government, in the press, and in public, even when your thoughts are controversial or unpopular.



### Freedom of Religion

The Constitution protects your right to practice any religion you choose—or no religion at all. It also says that the government can't establish a religion or prefer one faith over another.



### Freedom of Assembly

You have the right to gather peacefully with others.



### Own Weapons

You have the right to keep and bear weapons.

### Not House Soldiers

The government cannot force you to let soldiers into your home or onto your property. It's up to you to decide who you let inside your house!



### No Unreasonable Searches

If the police want to search you or your stuff—or take your things—they need a good reason to suspect they'll find evidence of a crime.

### Valid Warrant

If the police have a warrant to search or take your stuff, the warrant must show the reason they think your things should be searched or taken. It must also describe exactly where they want to search or what they want to take.



### No Double Jeopardy

Once you've been found guilty or innocent, you cannot be put on trial or punished for that same crime again.



### Not Testify Against Self

You can't be forced to testify against yourself, either by the police or in court. You have the right to remain silent!



### Keep Private Property

The government is only allowed to take away your land if the land will be used for a public purpose. And if they do take your land, the government has to give you a fair price for it.



### Due Process

If you're involved in a criminal case, the government can't take your life, liberty, or property without due process of law. That means a fair legal proceeding!

# Amendment Guide

Name: \_\_\_\_\_



**6**  
**Impartial Jury**  
If you are on trial for a crime, you have a right to a fair and impartial jury.



**6**  
**Representation Right**  
If you've been accused of a crime, you have the right to a lawyer—even if you can't afford one!



**6**  
**Speedy and Public Trial**  
If you've been accused of a crime, you have a right to know the charges against you. After that, the government can't keep you waiting forever—or hold your trial in secret! You have the right to a speedy and public trial.



**6**  
**Witness Must Testify**  
If you've been accused of a crime, you have the right to question the witnesses against you. And if a witness can help your case, you have the right to make that witness testify—even if they don't want to!

## No Cruel and Unusual Punishment

If you are guilty of a crime, the judge is not allowed to sentence you to any cruel or unusual punishments. The punishment has to fit the crime; it's your constitutional right!



## Reasonable Bail and Fines

The government can't charge an unreasonable amount of money to bail you out of jail. Or if your punishment is a fine, the fine can't be excessive. The bail or fine must fit the crime!



## No Slavery

Slavery cannot exist and people can't own or buy or sell other people. This is one of the only constitutional rights that protects against people who are not the government—but only if they are enslaving you!



## 14 Equality Under the Law

Everyone—no matter what you look like, how much money you have, or how popular you are—should be treated equally under the law.



## 15 Vote Regardless of Race

No matter your race or ethnicity, as a citizen you have the right to vote. So do it!

## 19 Vote Regardless of Sex

Women and men have equal rights to an equal vote in all public elections.



## 26 Vote at Age 18

Once you turn eighteen, the Constitution guarantees you the right to vote. So start thinking about who you want to vote for!

**1<sup>st</sup> Amendment – “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;”**

There are two parts that make up our 1<sup>st</sup> Amendment freedom of religion:

- 1. the Establishment Clause
- 2. the Free Exercise Clause

**Question: Explain how the First Amendment’s establishment clause and free exercise clause guarantee our freedom of expression.**

1. establishment clause - \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

EX. The establishment clause covers the following questions about the legality of:

A. aid to church-related schools – How did the Supreme Court determine the constitutionality of government aid to schools in *Lemon v. Kurtzman* (1971)?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. school vouchers – What did the Supreme Court decide regarding the use of school vouchers for private education?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. school prayer – What did the Supreme Court decide in the *Engle v. Vitale* (1962) school prayer case?

\_\_\_\_\_  
\_\_\_\_\_

D. teaching of evolution in schools – How have the courts ruled in cases where schools have tried to either ban the teaching of evolution or tried to force the teaching of creation (intelligent design) theory?

---

---

E. religious displays on public property – According to previous Supreme Court decisions, when is it acceptable to place religious displays on public property?

---

---

2. free exercise clause - \_\_\_\_\_

---

---

EX. What are some of the examples of freedoms and restrictions associated with the free exercise clause?

--	--	--



## Freedom of Religion: Separation of Church and State

The Supreme Court has the task of interpreting the meaning of the phrases, "freedom of religion" and "separation of church and state" as they apply to specific cases. In the 1971 decision, *Lemon v. Kurtzman*, the Supreme Court laid down 3 basic criteria for determining whether or not a specific practice violates the principle of separation of church and state.

1. The law must have a secular legislative purpose. A rule or law that intends to promote or establish a particular religion would thus be unconstitutional.
2. It must have a primary effect that neither advances nor inhibits religion. For instance, financial support that promotes one religion over another is unconstitutional.
3. The law or rule must not cause excessive government entanglement. What is "excessive" is, of course, open to interpretation, but the point is to avoid active involvement of the government in religious matters.

For each of the following examples, use the preceding criteria to determine how the Supreme Court would rule in each instance. In the spaces provided, write both the decision you believe the Court would make and the grounds for that ruling. When you have finished, you will be informed about how the Supreme Court, in fact, ruled in each case.

1. In 1941, a New Jersey school system gave bus fare to families of children riding public transportation to parochial schools. A tax payer challenged this practice as breaking the wall of separation between church and state.
2. Gillette, a Roman Catholic and a conscientious objector, resisted the draft during the Vietnam War. He argued that he had no objection to fighting in a "just war", but he considered the Vietnam War "unjust".
3. The owners of a church radio station rejected applications of individuals who did not practice the religion of the station owners. Job applicants argued that the radio station, acting as part of the church's mission, should practice fair employment practices.
4. Maryland's constitution has a provision requiring a person to declare his or her belief in the existence of God as a prerequisite for holding public office. A potential office holder complained in court that this requirement violated his freedom of religion.



5. During WWII, the West Virginia Board of Education passed a resolution that all teachers and students were to salute and pledge allegiance to the United States flag every day. Students who refused were expelled until they agreed to participate, and their parents were subject to criminal prosecution. A group of Jehovah's Witnesses took their case to court because, they said, the resolution placed loyalty to the nation above the loyalty to God.
6. A Seventh-Day Adventist, who had been discharged from his job for refusing to work on Saturday, sued in court when he was denied unemployment benefits.
7. Frederick Walz, who owned real estate in New York City, went to court to stop the New York Tax Commission from granting tax exemptions "to religious organizations for religious properties used solely for religious worship." Walz argued that a tax exemption to church property indirectly requires him to make a contribution to religious bodies and thereby violates his First and Fourteenth Amendment guarantees of freedom of religion.
8. A citizen challenged Maryland's "Sunday Closing" or "Blue Laws" in court. He argued that closing businesses on Sunday, the Sabbath of predominant Christian sects, facilitates and encourages church attendance and tries to induce people with no religion or marginal religious beliefs to join the predominant sects.
9. The New York State Regents wrote a nondenominational school prayer for use in classrooms: "Almighty God, we acknowledge our dependence on Thee and beg Thy blessings upon us, our teachers, and our country." Prayers were not required in New York Classrooms, but this was the only one allowed. Parents of several students affected sued the New York State school system for violating their freedom of religion.
10. A citizen challenged the use of tax funds to pay a chaplain to open sessions of the state legislature. He argued in court that this practice clearly violated the separation of church and state.
11. A citizen challenged the state of Alabama's law which allowed one minute of silence for meditation or voluntary prayer as a practice that violated separation of church and state.

# 1<sup>st</sup> Amendment – “Congress shall make no law... abridging the freedom of speech, or of the press;...”

**Question: Specify the limited circumstances, including obscenity and slander, in which the national and state governments may override the principles of free speech and freedom of the press.**

1. Define the following as it relates to freedom of speech:

a. prior restraint - \_\_\_\_\_

\_\_\_\_\_

b. symbolic speech - \_\_\_\_\_

\_\_\_\_\_

c. commercial speech - \_\_\_\_\_

\_\_\_\_\_

d. clear and present danger test - \_\_\_\_\_

\_\_\_\_\_

e. imminent lawless action test - \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

f. obscenity - \_\_\_\_\_

\_\_\_\_\_

g. slander - \_\_\_\_\_

\_\_\_\_\_

h. rights of public school students - \_\_\_\_\_

\_\_\_\_\_

## Freedom of Speech

I. Study each of the cases below and answer the questions that follow.

1. Dirk DeJonge was distributing Communist propaganda, thus violating Oregon's Criminal Syndication Act. He was arrested, tried, convicted, and sentenced to eight years in prison. The Supreme Court reversed the decision of the lower court and concluded that he was entitled to his free speech because he presented no clear and present danger to the government.

- *DeJonge v. Oregon*, 1937

**Question: What suggestion does the Supreme Court make in the DeJonge decision to indicate that it might treat individuals differently for the same offense?**

2. Draft protestors burned their Selective Service cards. The Supreme Court defined this as "symbolic speech," or speaking through actions or symbols. The defendants were found guilty because the Court viewed the draft card as part of the operation of the Selective Service.

- *US v. O'Brien*, 1968

High school students wore black arm bands to protest the killings in Vietnam. The school principal ordered them to remove the armbands but they took their case to court. The Supreme Court maintained that wearing their armbands was protected "symbolic speech" which did not disrupt the educational program at the school.

- *Tinker v. Des Moines School District*, 1969

**Question: Judging from the Supreme Court decisions above, what does the court mean by "symbolic speech"?**

**Question: True or False. The Supreme Court always permits "symbolic speech".**

3. A group of Neo-Nazis wanted to speak and parade in Skokie, a Jewish suburb of Chicago, wearing Nazi emblems and carrying flags. The Supreme Court defined this as an example of "fighting words" because many of the Jewish population of Skokie were Nazi victims. The Supreme Court limited the Nazis use of emblems and signs. The Nazis decided to speak elsewhere anyway.

- *Village of Skokie v. National Socialist Party of America*, 1978

**Question: Explain in your own words, what the Supreme Court means by fighting words.**

4. U.S. Senator William Proxmire claimed congressional immunity from prosecution when awarded "Golden Fleece of the Month Award" to a scientist for alleged wasteful spending. The U.S. Supreme Court rejected that immunity, saying Proxmire was responsible for things he wrote or said outside of Congress.

- *Hutchinson v. Proxmire*, 1979

**Question: In what way did the Supreme Court limit Congressional immunity in *Hutchinson v. Proxmire*?**

---

II. Read each case. Based on the cases in the previous section and the explanations presented in class, decide the merits of each of the examples below. In the spaces below each item, write how you would rule on the issue and then explain your reasoning.

1. Frank Jones has been sued for slandering Mr. Smith, an automobile salesman. Jones is accused of harming the business reputation of Smith by publicly criticizing some repair work done at Smith's agency. Jones claims he never meant to harm Smith's reputation and was misquoted.

Decision:

Reason:

2. A school rule forbids wearing badges that express anti- American ideas. A young political group displays badges promoting a ban on nuclear weapons. The principal orders them to remove the badges.

Decision:

Reason:

- 
3. Harold Brown is angry because a fellow employee, Jerry Minder, told fellow employees of Brown's frequent tardiness to work and that this harmed his reputation. Brown sues Minder for slander.

Decision:

Reason:

2. Define the following as it relates to freedom of the press:

a. libel - \_\_\_\_\_

\_\_\_\_\_

b. actual malice - \_\_\_\_\_

\_\_\_\_\_

c. gag orders - \_\_\_\_\_

\_\_\_\_\_

## FREEDOM OF THE PRESS

What Is Libel Today? Today in the United States, the crime of seditious libel is gone. But government officials can file lawsuits for libel against individuals and win money damages. These lawsuits, however, can only succeed when someone publishes something about an official with “actual malice.” Actual malice in this context does not mean ill-will. It means the libelous statement was published “**with knowledge that it was false or with reckless disregard of whether it was false or not.**” This rule was set forth in the 1964 case of *New York Times v. Sullivan*.

The court in *Sullivan* explained that it was not enough to allow truth as a defense to libel cases involving public officials. Proving the truth of statements is difficult and expensive. If defendants had to prove their statements were true, many people would refrain from criticizing officials even though their criticism “is believed to be true and even though it is in fact true, because of doubt whether it can be proved in court or fear of the expense of having to do so.” Requiring defendants to prove the truth of their statements “thus dampens the vigor and limits the variety of public debate. It is inconsistent with the First and Fourteenth Amendments.”

Form groups that will role play juries. Using the rule from *New York Times v. Sullivan*, each jury should review the following cases and decide whether actual malice existed. Each jury should then report and explain the reasons for its decisions.

1. Rumors are circulating that a city councilman is a child molester. A newspaper prints the rumors without checking them. They turn out to be false. The councilman sues the newspaper for libel.

2. A radio talk show host accuses a member of Congress of taking bribes. She admits accepting campaign contributions from certain organizations, but says they did not affect her votes. There is no evidence that these were bribes for her legislative votes. The congresswoman sues the radio host for libel.

---

3. A political candidate runs a campaign ad on TV that accuses the incumbent of being a “traitor” for opposing the Iraq War. The incumbent sues her challenger for libel.

4. A blogger posts an article on a candidate for president from one of the major political parties, calling him “a paranoid religious nut.” The candidate sues the blogger after losing the election.

# NEWSEUM YOU CAN'T SAY THAT?!

## First Amendment Freedoms: What's a Violation?



**Does this violate the First Amendment's freedom of religion? Why or why not?**

1. Your parents insist you attend church every Sunday.
2. Your private school requires you to say a certain prayer each morning, even though you have a different faith.
3. Your public school begins a sporting event with a student-led prayer over the school's PA system.
4. Your state passes a law that everyone must pay taxes to support a specific church.



**Does this violate the First Amendment's freedom of speech? Why or why not?**

1. You work in a retail store after school and on weekends. Your boss says you have to stop talking so much while you're working.
2. Your public school administrator suspends you for wearing a black armband in protest of a war.
3. Your public school principal says you can't come to school as long as your hair is dyed purple.
4. You do not wish to say the Pledge of Allegiance each morning, and your principal expels you.



**Does this violate the First Amendment's freedom of the press? Why or why not?**

1. You work in a restaurant. Your boss treats you unfairly, and you write about what happened on your Facebook page. Your boss finds out what you wrote and fires you.
2. Your school newspaper is produced by the journalism class. Your public school principal objects to the content of an article and censors the newspaper.
3. Your parents won't let you have a MySpace page.
4. Police arrest a professional reporter for writing an article that criticizes the government.

# NEWSEUM YOU CAN'T SAY THAT?!



**Does this violate the First Amendment's freedoms of assembly and petition?  
Why or why not?**

1. You belong to a service club in your neighborhood. You hope you'll be chosen to lead an upcoming event. When you are not selected, you decide to gather signatures from other members urging the club leaders to change their minds. The club leaders refuse to accept your petition.
2. A neighborhood store sells you an iPod that doesn't work. The cashier won't give you a refund. You decide to go back into the store with some of your friends and stand just inside the front door with signs that say "Don't Shop Here!" The store owner makes you leave.
3. A white supremacist group applies for a city permit to have a march. The city says that they cannot have the permit unless they pay for a large insurance bond. Other groups are given permits for free.
4. Your public school principal punishes you for attending an outside demonstration during school hours.



Name - \_\_\_\_\_

Date - \_\_\_\_\_

SUNY Broome – Public Policy

P. 81-84

CH. 4 Civil Liberties – Rights to Privacy

**Question: Provide the constitutional basis of the right to privacy, and explain how the principle has been applied to the abortion and the right-to-die controversies.**

1. What was the impact of *Griswold v. Connecticut* (1965) on the right to privacy?

---

---

---

---

**Abortion:**

2. Explain the impacts of *Roe v. Wade* (1973). What has happened to abortion rights since the late 1980s?

---

---

---

---

---

**Right-to-Die:**

3. How did the cases, *In re Quinlan* (1976) and *Cruzan v. Missouri Department of Health* (1990) help decide a patient's right-to-die?

---

---

---

---

4. What was the Supreme Court's decision regarding physician-assisted suicide?

---

---

---

---



The Supreme Court, under the guidance of \_\_\_\_\_ significantly expanded the rights of accused persons.

What was the impact of *Miranda v. Arizona* (1966)? \_\_\_\_\_

What is the exclusionary rule? \_\_\_\_\_

*Explain each of the examples of how recent security concerns have affected our civil liberties.*

1. The USA Patriot Act - \_\_\_\_\_

2. "roving" wiretaps - \_\_\_\_\_

3. NSA surveillance - \_\_\_\_\_

*What rights do illegal immigrants (non-citizens) have according the Constitution and previous court decisions?*

Due Process	Freedom of Speech	Ex Post Facto

Name - \_\_\_\_\_

Date - \_\_\_\_\_

SUNY Broome – Public Policy

CH. 4 – Due Process in Criminal Proceedings

Matching: Match the terms from the list to the descriptions that follow by writing the letter of the term in front of the appropriate statement.

- |  |                                 |                                     |
|--|---------------------------------|-------------------------------------|
| <b>A. bail</b>                         | <b>G. exclusionary rule</b>     | <b>N. probable cause</b>            |
| <b>B. capital punishment</b>           | <b>H. ex post facto law</b>     | <b>O. right of confrontation</b>    |
| <b>C. contempt of court</b>            | <b>I. grand jury</b>            | <b>P. right to compel witnesses</b> |
| <b>D. cruel and unusual punishment</b> | <b>J. writ of habeas corpus</b> | <b>Q. right to counsel</b>          |
| <b>E. double jeopardy</b>              | <b>K. indictment</b>            | <b>R. search warrant</b>            |
| <b>F. due process of law</b>           | <b>L. petit jury</b>            | <b>S. self-incrimination</b>        |
|  | <b>M. Miranda rule</b>          | <b>T. speedy and public trial</b>   |

- \_\_\_\_\_ 1. Evidence cannot be extracted from a witness by physical violence or torture.
- \_\_\_\_\_ 2. Our society no longer condones barbaric punishments of earlier eras.
- \_\_\_\_\_ 3. Unknown persons cannot present secret accusations against a citizen.
- \_\_\_\_\_ 4. The accused deserves an expert defense in order to get a fair trial.
- \_\_\_\_\_ 5. In order to prevent the development of a police state, police must have a reason for detaining a person.
- \_\_\_\_\_ 6. A person should not be held in custody or jailed without legal basis.
- \_\_\_\_\_ 7. The state needs to determine whether or not there is sufficient evidence against the accused to justify the cost and inconvenience of a trial.
- \_\_\_\_\_ 8. Police cannot, at will, invade people's privacy.
- \_\_\_\_\_ 9. A fair trial depends upon open and complete disclosure of the facts in a case.
- \_\_\_\_\_ 10. The state cannot "get even" with an individual by enacting a law to punish an individual.
- \_\_\_\_\_ 11. People judged innocent should no longer be harassed by the state for the same charge.
- \_\_\_\_\_ 12. Only after the grand jury has determined that there is sufficient evidence can the state charge an individual with a crime.
- \_\_\_\_\_ 13. In most cases, the court recognizes the advantage to the accused of being free to prepare the best possible defense for the trial.
- \_\_\_\_\_ 14. Unless the state is restricted, it could incarcerate an individual without trial forever.
- \_\_\_\_\_ 15. For the individual to gain a fair and just trial, the state must adhere to specific guidelines from arrest to sentencing.

(over)

- \_\_\_\_\_ 16. In order to insure a fair trial that will not be disrupted or disturbed, the court can enforce certain rules of conduct.
- \_\_\_\_\_ 17. Since the burden of proof rests outside the accused, a person is not obligated to put oneself in jeopardy.
- \_\_\_\_\_ 18. Some states use the death penalty to deter others from performing violent crimes.
- \_\_\_\_\_ 19. Judgment by one's peers is perceived to offer the fairest form of justice.
- \_\_\_\_\_ 20. The individual should understand that one need not incriminate oneself and may have the counsel of a lawyer.

Listed are the basic steps in criminal due process. Put the basic steps in the criminal process in the correct order from one to seven.

- \_\_\_\_\_ **the accused appeals the sentence**
- \_\_\_\_\_ **the accused is indicted**
- \_\_\_\_\_ **the accused is arrested**
- \_\_\_\_\_ **the accused receives the verdict**
- \_\_\_\_\_ **the accused is informed of the right to counsel and of the right to remain silent**
- \_\_\_\_\_ **the accused receives the sentence**
- \_\_\_\_\_ **the accused is tried by a jury**
-