

Unit 5: Lesson 32: What is the Importance of Procedural Due Process?What is the difference between procedural & substantive due process of law?

_____ Due Process- requires that the content of laws be fair & reasonable.

_____ Due Process- protects individuals from unreasonable & unfair governmental procedures. Protects both the _____ & _____ from possible abuses of power.

What is the historical background of procedural due process?

In English law one of the first procedural due process rights to develop was that to a “_____ & _____ trial.” (Magna Carta) and the 6th Amendment U.S. B/Rts) _____ Clause of the 4th Amendment due to the history of _____ warrant and _____ of assistance used by the British. (Search & Seizure)

Why are procedural rights important in an adversary legal system?

_____ System-means that in most criminal or civil cases there are two opposing sides, or “adverse” parties, each party does its best to prove its case before an impartial judge or jury.

_____ System- the judge acts as a kind of combination judge and _____. The accused is expected to answer the judge’s questions _____ & may not invoke a right against _____ - _____.

Beyond a _____ doubt- the standard or requirement that the government must prove their case by in criminal cases. (_____ til proven guilty) ...a basic underpinning of the American _____ system!

An understanding of the principles of due process should be the _____ of every citizen.

What guarantees of due process appear in the Bill of Rights?

The important guarantees appear in the 4th through the 8th Amendments. The 4th and 5th Amendments protect rights that apply to people who are being _____ as criminal suspects. Thus they limit the government’s power to _____, conduct wire taps, _____ evidence, and charge people with crimes. The 5th through the 8th Amendments protect rights of people who are on _____ for crimes, those appealing a sentence or _____, or those who have received a sentence after conviction. The 7th Amendment guarantees a right to trial by jury in _____ cases.

What is the importance of the protection provided by procedural due process?

The individual right to _____ due process has been called the greatest protection in the _____ from the abuse of _____ by government.

The amendments guaranteeing procedural due process were based on _____ of experience in which governments routinely _____ due process _____.

The colonists knew that just because a person was _____ of a crime did not mean that the person was _____.

Critical Thinking Exercise page 173: read IDENTIFYING VIOLATIONS OF DUE PROCESS...working in your groups, answer your assigned question and then share your answer(s) with the class.

1. In what ways was Smith denied a fair trial?
2. In what ways were Smith's rights violated?
3. Although some law enforcement officers and judges appear to have tried to deprive Smith of his rights, what were the actions of certain people to ensure that his procedural rights were honored? Explain your answer.
4. What fundamental values and interests of our society were endangered in this situation?
5. What ways can you suggest to prevent the injustices in this case from happening to someone else in the future?
6. What do you think should happen in a case like this, if the defendant is indeed guilty?



Lady Justice is Blind...weigh the evidence to determine a verdict.