

Unit 5 Lesson 33: How Do the 4th and 5th Amendments Protect Us Against Unreasonable Law Enforcement Procedures?

What is the Purpose of the 4th Amendment?

- It implies a right to _____, which is one of the most significant protections of human _____ and _____ found in the Bill of Rights.
- The right to _____ protects people in a _____ society to discuss differing _____ about our _____ system.

The 4th A prohibits law enforcement from _____ or seizing people or their _____ unless there is _____ : a good reason for suspecting a person of breaking the law.

What is the history of the 4th Amendment? (“A man’s home is his castle”)

- The 4th A requires police to secure a _____ from a _____ - a written document giving permission for a search or seizure.
- English _____ law prevents **general warrants & _____ of assistance** (open-ended warrants used to harass and persecute dissenters) and yet royal commissions authorized their use in _____ America!
- Anti-_____ criticized the Constitution for not limiting the new federal government from in the area of “_____ searches and seizures.

What Controversies are raised in the Interpretation & Application of the 4th Amendment?

When is a warrant not required?

What is probable cause?

How can the 4th Amendment be enforced?

What are the means of enforcing the 4th Amendment?

- Why must we give and trust police with power?
- What methods are employed to check the abuse of police power?

1.

2.

3.

4.

What is the significance of the exclusionary rule?

The _____ rule was created by judges to discourage officers from breaking the law. The courts have argued that it is the most effective way of preventing violations of _____ rights.

What is the purpose of the 5th Amendment provision against self-incrimination?

- The right against self-_____ is a protection of both the _____ & guilty from the potential abuse of gov't _____.
- The _____-incrimination protection prevent the "3rd degree" confession from being forced out of an accused.
- The protection from self-incrimination has its underpinnings in the principle that a person is presumed _____ until proven _____ beyond a reasonable _____.

What happened to Dillon & Fulminante? (Read and be able to discuss each case)

Dillon:

Fulminante:

How have protections against self-incrimination developed?

Miranda v. Arizona (1966)- requires that police must warn suspects that they have a right to remain _____ & they have a right to an _____ with them while being questioned...known as "_____ Warnings"

What are common limitations on the right against self-incrimination?

Personal right-

Immunity-

Contempt of Court-

On a Separate Sheet of Paper, Complete Reviewing and Using the Lesson Questions
1-5 on page 181