U.S. Government   **Name** _____

Unit 4: Lesson 25: How did the 14th Amendment Expand Constitutional Protections of Rights?

<u>**Overview:**</u> The 3 most important constitutional developments of the post Civil War era <u>**What parts of the 14th Amendment remain important to us today?**</u>	(Lecture/Reading Notes) 1) The preservation of the _____ 2) The abolition of _____ 3) The passage of the 14th Amendment **("_____ Amendment")** **Sections 1 & 5** are what make the 14th Amendment important to us today. <u>**Section 1**</u>. All _____ **born or naturalized** in the United States, and **subject to the** _____ thereof, are _____ **of the United States and of the State wherein they** _____. No _____ shall make or enforce any law which shall abridge the _____**or** _____ of citizens of the United States; nor shall any _____ deprive any person of life, liberty, or property, without _____ of law; **nor deny to any** _____ **within its jurisdiction** the _____ **of the laws**. <u>**Section 5.**</u> **The Congress shall have power to enforce, by appropriate legislation, the provisions of this article (Federal legislation puts "teeth" in the clauses i.e. Civil Rights Acts, Voting Rights Acts, Americans With Disabilities, etc.).**
<u>**How does the 14th Amendment change the definition of citizenship?**</u>	1. **Nullified the** _____ **decision by extending U.S. citizenship to African-Americans** 2. **Clarifies that U.S. citizenship is paramount to** _____ **citizenship** 3. **U.S. citizens have** _____ **that no** _____ **can take away**
<u>**How does the 14th Amendment extend the meaning of due process of law?**</u>	1. _____- refers to the requirement that the **actions of gov't be conducted according to the** _____ **of law**. No gov't can be above the _____! 2. Due process of law is one of the most important protections against <u>arbitrary</u> rule 3. The **14th Amendment requires** _____ **gov'ts** to respect due process of law and gives the _____ gov't the power to enforce this requirement.
<u>**What is the difference between procedural & substantive due process of law?**</u>	1. _____ **due process**- The procedures used by the gov't in making, applying, interpreting, and enforcing the law be reasonable and consistent **2.** **Substantive due process-** Requires that the _____ **of the law** be fair and reasonable (does gov't have a good enough reason to take away deny life, _____, property)
<u>**How does the 14th Amendment promote equal protection of the laws?**</u>	1. It establishes _____ before the law for all people which without there could be no republican gov't. 2. Does NOT protect **equality of** _____ (gov't responsible so equal property, liv standards, medical care, and working conditions for all citizens) **3. Equal protection of the laws**- No individual or group was to receive special privileges or be deprived of certain rights under the law. Intended to prevent legislatures from passing laws that unreasonably and unfairly favor some groups over others. **(Makes Affirmative Action policies argumentative)**

How did incorporation make the protections of the Bill of Rights applicable to state governments?	1. **Incorporation-** The act of including one thing within something else 2. The original intent of the _____ was to limit the powers of the _____ gov't in order to protect the rights of the people & the states (**Barron v. Baltimore**, 32 US 243 (1833) **(George _____ & the Anti-federalists demanded it)** **3. The Bill of Rights did not protect the rights of individuals from _____ or local gov'ts** 4. Specifically prohibited states from violating a person's life, liberty, and property without due process of law and gave the federal gov't the authority to enforce this 5. In a sense, **incorporation turned the _____ intent of the Bill of _____ upside down**
How did the 14th Amendment incorporate the Bill of Rights?	1. _____(1925)- Identified **"fundamental rights"** (essential to the preservation of liberty) & incorporated those of the 1st Amendment as "preferred freedoms", without which a free society could not exist 2. _____(1932)- Right to counsel in death penalty trials was required by the due process clause (right to counsel fundamental if death sentence applies) 3. _____(1937)- 5th Amendment's double jeopardy not fundamental 4. Justice Benjamin _____ tried to distinguish between non-fundamental & fundamental rights stating, the later were "of the very essence of a scheme of ordered _____" 5. Justice _____ Black argued for _____ **incorporation** meaning the rights expressed in the Bill of Rights should be applied to the states with exactly the same meaning & in exactly the same way as they apply to the federal gov't 6. Justice _____ _____ supported the **fair trial standard** whereas decisions were based on whether the state in a given case had abided by those "canons of decency & fairness" fundamental to traditional notions of justice, but not necessarily in accord with the specific provisions of the Bill of Rights 7. In the 1960's the Supreme Court rejected the fair trial standard for a _____ **incorporation** of most of the criminal procedure guarantees in the Bill of Rights. A general right to counsel, protection against self-incrimination and double jeopardy, & other procedural guarantees were found to be essential to due process under 14th A 8. Not yet incorporated- right to bear arms (2nd), quartering of troops (3rd), indictment by a grand jury (5th), right to a jury trial (6th & 7th) 9. _____ v. _____(1965)- due process clause includes a right to marital _____ that forbids states from outlawing the use of contraceptives
What are the results of the incorporation of rights?	Instead of only limiting the power of the federal gov't, the Bill of Rights now also limits the power of state gov'ts in an effort to achieve the **fundamental purpose of the Constitution—protecting the rights of American citizens**