

Lecture #8: Civil Liberties (vs. Civil Rights and Human Rights)

I. Human Rights, Civil Rights and Civil Liberties

A. Human Rights Defined

Amendment VIII (“no cruel and unusual punishment” and “fines or bail”)

B. Civil Liberties “

C. Civil Rights “

II. Civil Rights

A. Amendment XIV (1868)

B. Amendment XV (1870) Voting Rights Act (1964) and Amendment XXIV

C. Civil Rights Act (1965) and Fair Housing Act (1968)

III. Civil Liberties (**Amendment I**): Freedom of:

A. Religion (“to” and “from”)

B. **Speech** (Expression, Assembly, and Press)

1. "balancing doctrine"

2. “clear and present danger”

3. "fighting words doctrine"

4. "commercial speech"

5. "libel" (and “slander”)

6. “obscenity” (“but is it art”?)

7. secrecy (national security)

8. "prior restraint"

IV. **Rights of the Accused**

A. Amendment IV

Search and Seizure

Warrants, probable cause, hot pursuit, permission

1. *Mapp v. Ohio* (exclusionary rule)

B. Amendment V

Grand Jury

Self incrimination

1. *Miranda v. Arizona*

Double jeopardy

Due process of law

Just Compensation (eminent domain)

C. Amendment VI

Speedy and Public trial

Local trial (and change of venue)

Informed to nature/cause of accusation

Confront witnesses
“compulsory process” (subpeana)
Assistance of council

1. *Gideon v. Wainwright*

D. Amendment VIII

E. Article I, Section 9

habeus corpus (“show me the body”)

bill of attainder

ex post facto

V. **Privacy**: “Implied” Civil Liberty (Amendment IV):

A. Sexual Behavior and Reproductive Rights

1. *Griswold v. Connecticut*

2. *Roe v. Wade*

VI. Civil Rights

A. *Plessy* (1897) and *Brown* (1954)