Viking Quest: Government Assignments

February 2015

Week: 2nd -6th

- *Read and complete chapter 14 section assessments (4 & 5) pages 406-418, Government textbook*
- *Complete Chapter 14 Assessment and Activities pages 420-421, Government textbook*

Name _____ Date _____ Class _____

STUDY GUIDE Chapter 14, Section 3

For use with textbook pages 398–405.

THE RIGHTS OF THE ACCUSED

KEY TERMS

exclusionary rule A law stating that any illegally obtained evidence cannot be used in a federal court *(page 399)*

counsel An attorney *(page 401)*

self-incrimination Testifying against oneself *(page 402)*

double jeopardy Retrial of a person who was acquitted in a previous trial for the same crime *(page 404)*

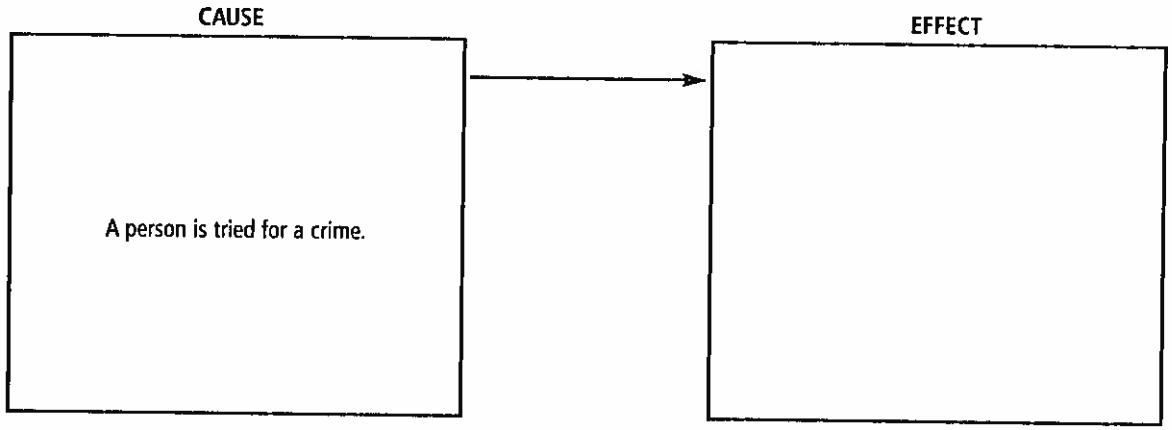
DRAWING FROM EXPERIENCE

Have you ever been accused of something you did not do? The American system of justice tries to protect people who are unjustly accused.

This section focuses on the rights of the accused.

ORGANIZING YOUR THOUGHTS

Use the graphic organizer below to help you take notes as you read the summaries that follow. Think about how a person is protected against double jeopardy.



Name _____ Date _____ Class _____

STUDY GUIDE (continued) Chapter 14, Section 3

READ TO LEARN

Introduction *(page 398)*

Justice in a democracy means protecting the innocent as well as punishing the guilty. Thus the Constitution guards the rights of the accused as well as the rights of society.

Searches and Seizures *(page 398)*

Getting evidence to accuse people of crimes often requires searching people or their homes, cars, or offices. The Fourth Amendment guards against unreasonable searches and seizures. Courts decide what is unreasonable on a case-by-case basis. Today police generally need a warrant to search for evidence, but in many situations, police may conduct a search without one. For example, police may arrest and search anyone who commits a crime in their presence.

In *Weeks* v. *The United States* (1914), the Supreme Court established the ***exclusionary rule***—that illegally obtained evidence cannot be used in a federal court. Critics ask whether criminals should go free just because police made a mistake in collecting evidence. In *United States* v. *Leon* (1984), the Court relaxed the exclusionary rule—as long as the police act in good faith when requesting a warrant, their evidence may be used even if the warrant proves defective. The Court also ruled in 1984 that improperly obtained evidence can be used at a trial if the evidence would have been eventually discovered anyway. Other related cases are:

***California* v. *Acevedo* (1991)** The Court established the precedent that police are free to search an automobile if they have probable cause to believe unlawful substances are hidden there.

***New Jersey* v. *T.L.O.* (1985)** The Supreme Court ruled that school officials do not need warrants or probable cause to search students or their property.

***Katz* v. *United States* (1967)** The Court overruled an earlier decision by prohibiting wiretapping without a warrant. Since then Congress has passed two laws that practically prohibit all kinds of electronic eavesdropping without a warrant, even wiretapping and bugging for national security reasons.

***Hudson v. Michigan* (2006)** So long as there is a valid warrant, evidence can be used even if the police entered a home without announcing their presence.

1. When may police conduct a search without a warrant?

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Guarantee of Counsel *(page 401)*

The Sixth Amendment guarantees a defendant the right to ***counsel,*** or an attorney. Generally, the federal courts provided counsels. For years, people could be tried in state courts without a lawyer. In *Gideon* v. *Wainright* (1963), the Court ruled that every accused person had the right to an attorney. Clarence Gideon and hundreds of other Florida prisoners were retried and found innocent. The Court has since extended the *Gideon* decision. Any time a punishment of six months or more in prison is possible, the accused has a right to a lawyer at public expense from the time of arrest through the appeals process.

2. How did the *Gideon* decision extend the guarantee to counsel in the Sixth Amendment?

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STUDY GUIDE (continued) Chapter 14, Section 3

Self-incrimination *(page 402)*

The Fifth Amendment says that no one can be forced to testify against himself or herself. The courts have interpreted this amendment's protection against ***self-incrimination*** to cover witnesses before congressional committees and grand juries as well as defendants in criminal cases. The Fifth Amendment also protects defendants against forced confessions. The Supreme Court under Chief Justice Earl Warren expanded protection against self-incrimination in the following cases:

A. ***Escobedo* v. *Illinois (1964)*** The Court ruled that a confession or other incriminating statement that an accused person makes without access to a lawyer may not be used in trial.

B. ***Miranda* v. *Arizona (1966)*** The Court decided that suspects must be clearly informed of their rights before police question them. Their statements may not be used in court if they are not so informed.

In several cases after 1966, the Court relaxed its *Miranda* and *Escobedo* rules. However, in *Dickerson* v. *United States* (2000), the Court strengthened *Miranda*. The justices insisted that whether or not Miranda warnings were given was the standard for admitting self-incriminating statements as evidence at a trial.

3. In what two cases did the Supreme Court expand the protection of the Fifth Amendment?

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Double Jeopardy *(page 404)*

The Fifth Amendment also protects against ***double jeopardy.*** This means a person may not be tried twice for the same crime. In 1989 the Supreme Court ruled that a civil penalty could not be imposed after a criminal penalty for the same crime. However, in 1997 the Court also ruled that people who paid civil fines for violating regulations could also face criminal charges. Also, if a crime violates both state and federal laws, the case can be tried at both levels. When a single act involves more than one crime, a person may be tried separately for each offense.

4. For what kinds of crimes can a person be tried twice?

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Cruel and Unusual Punishment *(page 405)*

The Eighth Amendment forbids cruel and unusual punishments. The Court rarely uses this provision. However, there is a debate over how this protection applies to the death penalty. In *Gregg* v. *Georgia* (1976), the Supreme Court ruled that the death penalty does not make up cruel and unusual punishment when imposed under adequate guidelines. These guidelines refer to trials and appeals that attempt to do away with arbitrary decisions and racial prejudice in imposing the death penalty.

5. When is the death penalty a cruel and unusual punishment?

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Name _____ Date _____ Class _____

STUDY GUIDE Chapter 14, Section 4

For use with textbook pages 406–410.

EQUAL PROTECTION OF THE LAW

KEY TERMS

rational basis test Used by a court to determine whether a state law is reasonably related to an acceptable goal of the government *(page 406)*

suspect classification A classification made on the basis of race or national origin that is subject to strict judicial scrutiny *(page 407)*

fundamental right A basic right of the American system or one that is indispensable in a just system *(page 407)*

discrimination Unfair treatment of individuals based solely on their race, gender, ethnic group, age, physical disability, or religion *(page 407)*

Jim Crow law Law requiring racial segregation in such places as schools, buses, and hotels *(page 408)*

separate but equal doctrine A policy which held that if facilities for different races were equal, they could be separate *(page 409)*

civil rights movement The efforts to end segregation *(page 410)*

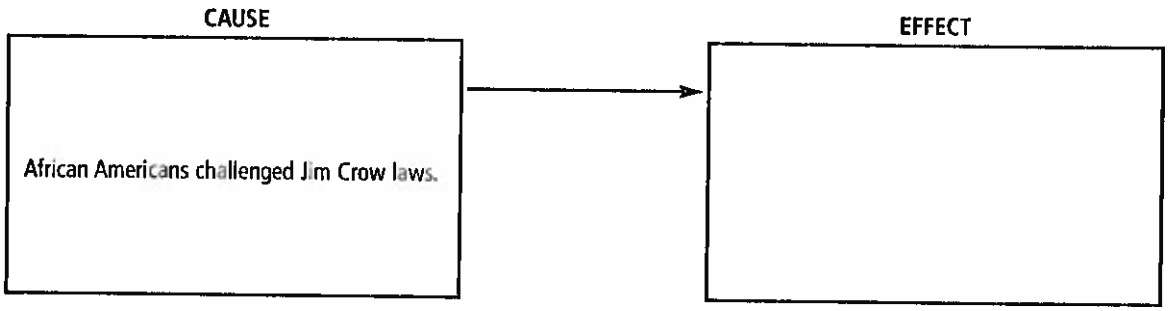
DRAWING FROM EXPERIENCE

Suppose your teacher passes only students with green eyes. Why is this unfair? Because the teacher is making an unreasonable distinction among students. Fortunately, the Constitution protects against this kind of injustice.

This section focuses on the meaning of *equal protection.*

ORGANIZING YOUR THOUGHTS

Use the graphic organizer below to help you take notes as you read the summaries that follow. Think about the results of the civil rights movement.



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STUDY GUIDE (continued) Chapter 14, Section 4

READ TO LEARN

Introduction *(page 406)*

The democratic ideal of equality means people are entitled to equal rights and treatment before the law.

Meaning of Equal Protection *(page 406)*

Both the Fifth and Fourteenth Amendments include equal protection clauses. They forbid state and local governments from drawing unreasonable distinctions among different groups of people. Many laws classify or draw distinctions among people. For example, a cigarette tax taxes smokers but not nonsmokers. When a citizen challenges a law because it violates the equal protection clause, the issue is not whether a distinction has been made. The issue is whether the distinction is reasonable.

The ***rational basis test*** provides that the Supreme Court will uphold a state law when the state can show a good reason for the classification applied in the law. The Court usually puts the burden of proving that a law is unreasonable on the people challenging the law. However, a special case arises when the state law involves one of the following:

A. A ***suspect classification*** is made on the basis of race or national origin. For example, a law that requires African Americans but not whites to ride in the back of the bus would be a suspect classification. The state must show the Court that there is some important public interest to justify the law and its classifications.

B. ***Fundamental rights*** go to the heart of the American system. The Court looks at state laws dealing with fundamental rights very closely. For example, a state law that limits the right to travel freely between states would be ruled unconstitutional because freedom to move among states is fundamental.

1. What must a state show to persuade the Supreme Court to uphold a state law of suspect classification?

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Proving Intent to Discriminate *(page 407)*

Laws that classify people unfairly are said to "discriminate." ***Discrimination*** exists when individuals are treated unfairly solely because of their race, gender, ethnic group, age, physical disability, or religion.

In *Washington* v. *Davis* (1976), the Supreme Court ruled that to prove a state guilty of discrimination, one must prove that the state intended to discriminate. The case arose over a District of Columbia police department examination that more African American recruits failed than white recruits.

Since the *Washington* case, the Supreme Court has applied the intent to discriminate to other areas. For example, the Court upheld an Illinois ordinance that permitted only single-family homes in an area, prohibiting housing projects. The justices believed there was no intent to discriminate.

2. List the different kinds of discrimination.

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Name _____ Date _____ Class _____

The Struggle for Equal Rights *(page 408)*

For almost 100 years, the courts upheld discrimination against and segregation of African Americans. Racial discrimination is treating members of a race differently simply because of race. Segregation is separation of people from the larger social group. By the late 1800s, half the states had adopted ***Jim Crow laws.*** These laws required racial segregation in such places as schools, public transportation, and hotels.

The Supreme Court justified Jim Crow laws in *Plessy* v. *Ferguson* (1896). The Court said that the Fourteenth Amendment allowed separate facilities as long as they were equal. However, in *Brown* v. *Board of Education of Topeka* (1954), the Court overturned the ***separate-but-equal doctrine.***

This decision marked the beginning of a long, difficult battle to desegregate the public schools. Though public schools were no longer segregated by law, housing patterns in many areas created segregated school districts that were largely either African American or white. In *Swann* v. *Charlotte-Mecklenburg Board of Education* (1971), the Court declared that children should be bused to schools outside their neighborhoods to ensure integrated schools.

After the *Brown* decision, many African Americans and whites worked together to end segregation through the ***civil-rights movement.*** African Americans deliberately broke laws supporting racial segregation. When arrested, they were almost always found guilty. They then could appeal and challenge the constitutionality of the laws. The most important leader of the civil rights movement was Dr. Martin Luther King, Jr., a Baptist minister from Georgia. Influenced by the civil rights movement, Congress passed the Civil Rights Act of 1964 and other laws to ensure voting rights and equal job opportunities for African Americans.

3. How did the *Brown* decision affect American schools?

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Name _____ Date _____ Class _____

STUDY GUIDE Chapter 14, Section 5

For use with textbook pages 412–418.

CHALLENGES FOR CIVIL LIBERTIES

KEY TERMS

affirmative action Government policies that award jobs, government contracts, promotions, admissions to schools, and other benefits to minorities and women in order to make up for past discriminations *(page 412)*

security classification system The provision that information on government activities related to national security and foreign policy may be kept secret *(page 416)*

transcript A summary record *(page 417)*

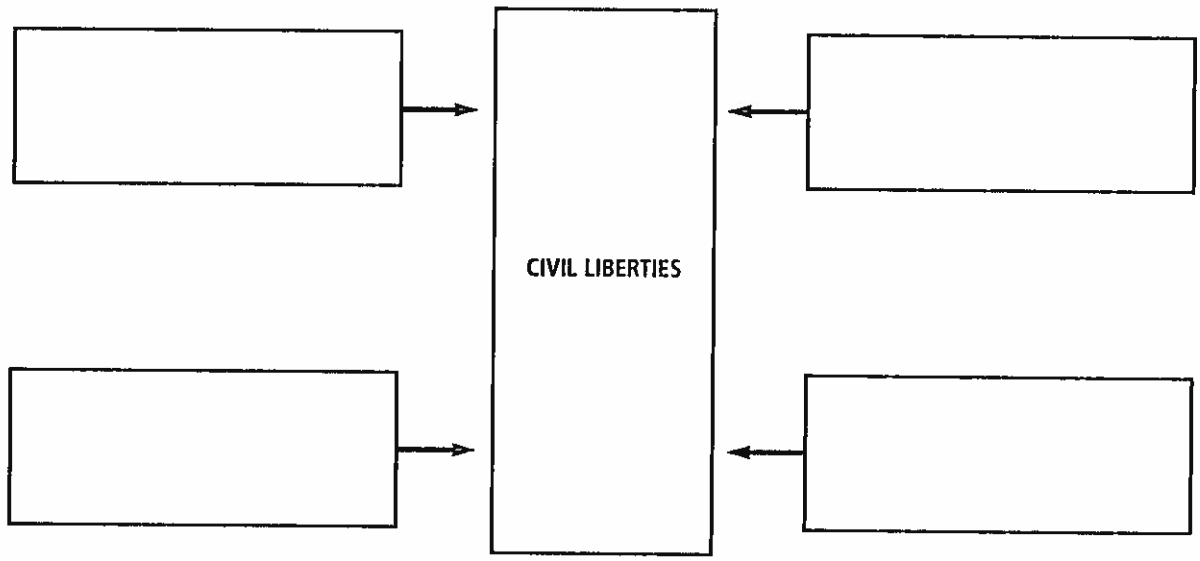
DRAWING FROM EXPERIENCE

Have you ever tried to make up for hurting another person? The government tries something similar when it uses policies like affirmative action to make up for discrimination against people.

This section focuses on government and civil liberties.

ORGANIZING YOUR THOUGHTS

Use the graphic organizer below to help you take notes as you read the summaries that follow. Think about the new issues involving civil liberties.



Name _____ Date _____ Class _____

STUDY GUIDE (continued) Chapter 14, Section 5

READ TO LEARN

Introduction *(page 412)*

Changing ideas, social conditions, and technology raise new civil liberties issues. These issues involve affirmative action, discrimination against women, the right to know about government actions, privacy, and the fight against terrorism.

Affirmative Action *(page 412)*

Affirmative action refers to policies that directly or indirectly award jobs, government contracts, promotions, admissions to schools and training programs, and other benefits to minorities, women, or the physically challenged in order to make up for past discrimination. Most affirmative action programs are required by federal government regulations and court decisions. Others are voluntary efforts.

One of the most important applications of affirmative action has been in the field of education. In *Regents of the University of California* v. *Bakke* (1978), the Supreme Court ruled that colleges and universities could take race into account when admitting students. In *Grutter* v. *Bollinger* (2003), the Court upheld an admissions policy at the University of Michigan that gave preference to minorities who applied to its law school by considering race as a "plus factor" along with other characteristics such as special talents. With this decision, the Court endorsed the idea that universities have a special mission to consider race in admissions in order to provide diverse, well-trained graduates. However, the Court has also made it clear that not all forms of affirmative action in college admissions are acceptable. For example, colleges cannot set aside a certain quota of slots for minority candidates (*Bakke*), or use a point system that automatically gives extra points to minority applicants (*Gratz* v. *Bollinger,* 2003).

The Court's attitude towards affirmative action in other areas has been less clear. In 1987 the Court supported the use of affirmative action in promotions by upholding a plan by a California transportation department to move women into high-ranking positions. However, in 1989 the Court struck down a plan setting aside 30 percent of city contracts for minority companies. In a 1995 case, the Court overturned earlier decisions supporting affirmative action when it held that federal programs classifying people by race are unconstitutional.

Supporters of affirmative action claim that the government has a responsibility to actively promote more equality for minorities. Opponents claim that any discrimination based on race or gender is wrong even when the purpose is to correct past injustices.

1. Why do some people support affirmative action?

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Discrimination Against Women *(page 414)*

Before 1970, many laws were designed to protect women from night work, overtime work, heavy lifting, and dangers in society. In practice, these laws discriminated against women. The Supreme Court for the first time in 1971 declared a state law unconstitutional because it discriminated against women. In *Reed* v. *Reed,* the Court ruled that a law that automatically preferred a father over a mother as executor of a son's estate violated the equal protection clause of the Fourteenth Amendment.

Name _____ Date _____ Class _____

STUDY GUIDE (continued) Chapter 14, Section 5

The *Reed* case established a new standard for judging constitutionality in sex discrimination cases. The Court said that any law that classifies people based on gender "must be reasonable . . . and must rest on some ground of difference." The difference must serve "important governmental objectives" and be substantially related to those objectives.

All of the following standards result from Court decisions that bar distinctions based on gender:

A. States cannot set different ages at which men and women become legal adults.

B. States cannot set different ages at which men and women are allowed to purchase alcohol.

C. States cannot exclude women from juries.

D. Employers cannot require women to take a pregnancy leave from work.

E. Girls cannot be kept off Little League baseball teams.

F. Private clubs and community service groups cannot exclude women from membership.

G. Employers must pay equal retirement benefits to men and women.

H. States cannot bar women from state-supported military colleges.

The following standards are based on Court decisions that allow differences based on gender:

A. All-boy and all-girl public schools are allowed to exist as long as the enrollment is voluntary and quality is equal.

B. A state can give widows a property tax exemption not given to widowers.

C. A state may prohibit women from working in all-male prisons.

D. Hospitals may bar fathers from the delivery room.

Congress has also protected women from discrimination by passing the following laws:

A. The Civil Rights Act of 1964 banned job discrimination on the basis of gender.

B. The 1972 Equal Employment Opportunity Act strengthened earlier laws by banning gender discrimination in activities ranging from hiring and firing to promotion, pay, and working conditions.

C. In 1976 Congress required all schools to give boys and girls an equal chance to take part in sports programs.

D. In 1991 the Civil Rights and Women's Equity in Employment Act required employers to justify any gender distinctions in hiring.

2. What are three Supreme Court decisions that barred distinctions based on gender?

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Citizens' Right to Know *(page 416)*

The right of citizens and the press to know what government is doing is an essential part of democracy. However, the national government's ***security classification system*** keeps secret information on government activities related to national security and foreign policy.

In 1966 Congress passed the Freedom of Information Act requiring federal agencies to show citizens public records on request. Exceptions are granted for national defense materials, confidential personnel

and financial data, and law enforcement files. People can sue the government if it denies their request to see materials.

The Sunshine Act of 1976 required that government meetings and hearings be open to the public. The law applies to about 50 federal agencies, boards, and commissions. These meetings must also be announced one week in advance. Some closed meetings are allowed, but then a ***transcript,*** or summary record, of the meeting must be made. If necessary, people can sue to force public disclosure of the proceedings of a meeting.

3. What does the Freedom of Information Act require?

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Citizens' Right to Privacy *(page 416)*

The Constitution does not mention a specific right to privacy. However, in *Griswold* v. *Connecticut* (1965), the Supreme Court ruled that personal privacy is one of the rights protected by amendments to the Constitution.

In many later decisions, the Court has recognized the right to privacy in areas of personal behavior, such as child rearing and abortion. However, the Court has also held that the right to personal privacy is limited when the state has a "compelling need" to protect society.

Widespread use of the Internet is creating many new challenges to the right to privacy. One concern is online surveillance by the government. Online privacy is also being threatened by the ability of Web sites, hackers, and marketers to gather personal information about people as they "surf" the Web and store it in "data warehouses," where it becomes available to nearly anyone willing to pay for it.

War and other national emergencies create tension between the need to maintain individual rights and the need to protect the nation's security. In response to the September 11, 2001, terrorist attacks, Congress passed the USA Patriot Act, which greatly increased the federal government's power to detain, investigate, and prosecute people suspected of terrorism. For example, it allows the government to seize a person's private records without showing "probable cause." The Act also broadened the scope of who could be considered a terrorist, allowed the FBI to share evidence collected in criminal probes, and gave the attorney general sweeping new powers to detain and deport people.

Though Americans strongly supported the Patriot Act at the time of its passage, concerns later arose over whether the Act poses a threat to civil liberties. Many legal experts have noted that the law could lead to changes in basic principles of the American legal system, such as the right to a jury trial, the privacy of attorney-client communications, and protections against preventative detention. By 2004, more than 140 U.S. cities and towns had passed resolutions critical of the Patriot Act. In 2002, however, the Act survived a court challenge when a federal appeals court overturned attempts to limit new surveillance tactics. In March 2006, the Act was renewed although a few limits were placed on the government's powers.

4. What new powers did the Patriot Act give to the federal government?

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