

CIVIL LIBERTIES AND CIVIL RIGHTS

J. Alexander Branham

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INTRODUCTION

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- *What government must do*

CIVIL LIBERTIES

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- The president to a lesser extent

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- Not originally included in Constitution because Hamilton & others thought it irrelevant

- Originally applied only to the federal government (dual citizenship)

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- The 14th amendment (post Civil War) provides for a single national citizenship, but the Court doesn't start to expand protections provided by the Bill of Rights to the states until late 1800s, but especially the 1930s & 60s

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- Wall of separation?

- **Free exercise of religion** protects citizens' rights to believe and practice whatever religion (or not) they choose

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- Difference in practice and action

- Freedom of speech

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- Some controversy about whether spending money on campaigns is speech

- Freedom of the press

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- May publish secret documents that were given to them illegally¹

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- *Peaceful* demonstration (in public areas)

- Libel/slander *not* protected

THE FIRST AMENDMENT - LIMITATIONS

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- The right to bear arms
- Recently applied to the states²

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 - Miranda rights³

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- Right to counsel (6th)⁴

⁴*Gideon v. Wainwright*

- Right to counsel (6th)⁴
- Protection against cruel and unusual punishments (8th)

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THE DEATH PENALTY

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State	Total executions	2015	2016 (to date)
TX	532	13	6
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- 1976 - July 2016 the U.S. executed 1,437 people⁵

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- Arguments for?

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THE DEATH PENALTY

- Arguments for?
- Arguments against?
- Should we use it?

THE NINTH AMENDMENT

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- Civil liberties are what government *can't* do, civil rights are oftentimes obligations that government must meet

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 - **Equal** - all people who enjoy a right have an equal ability or opportunity to practice that right

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 - And to put limits on who could own property
- Black people especially target

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15th amendment extends the right to vote to blacks

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15th amendment extends the right to vote to blacks

14th amendment equal protection clause

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... nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

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1920 Women vote

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RACIAL DISCRIMINATION IN EDUCATION

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 - Segregation no longer allowed under the law, but remains prevalent anyway

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- Monday Sep 4th 1957 Elizabeth Eckford attempts to go to school

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- September 24th - President Eisenhower sends the Army to Little Rock and federalizes the AK National Guard

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 - LBJ asserts strong support for civil rights legislation

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- King assassinated 1968 in Memphis

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