

# Civil Liberties: Protecting Individual Rights



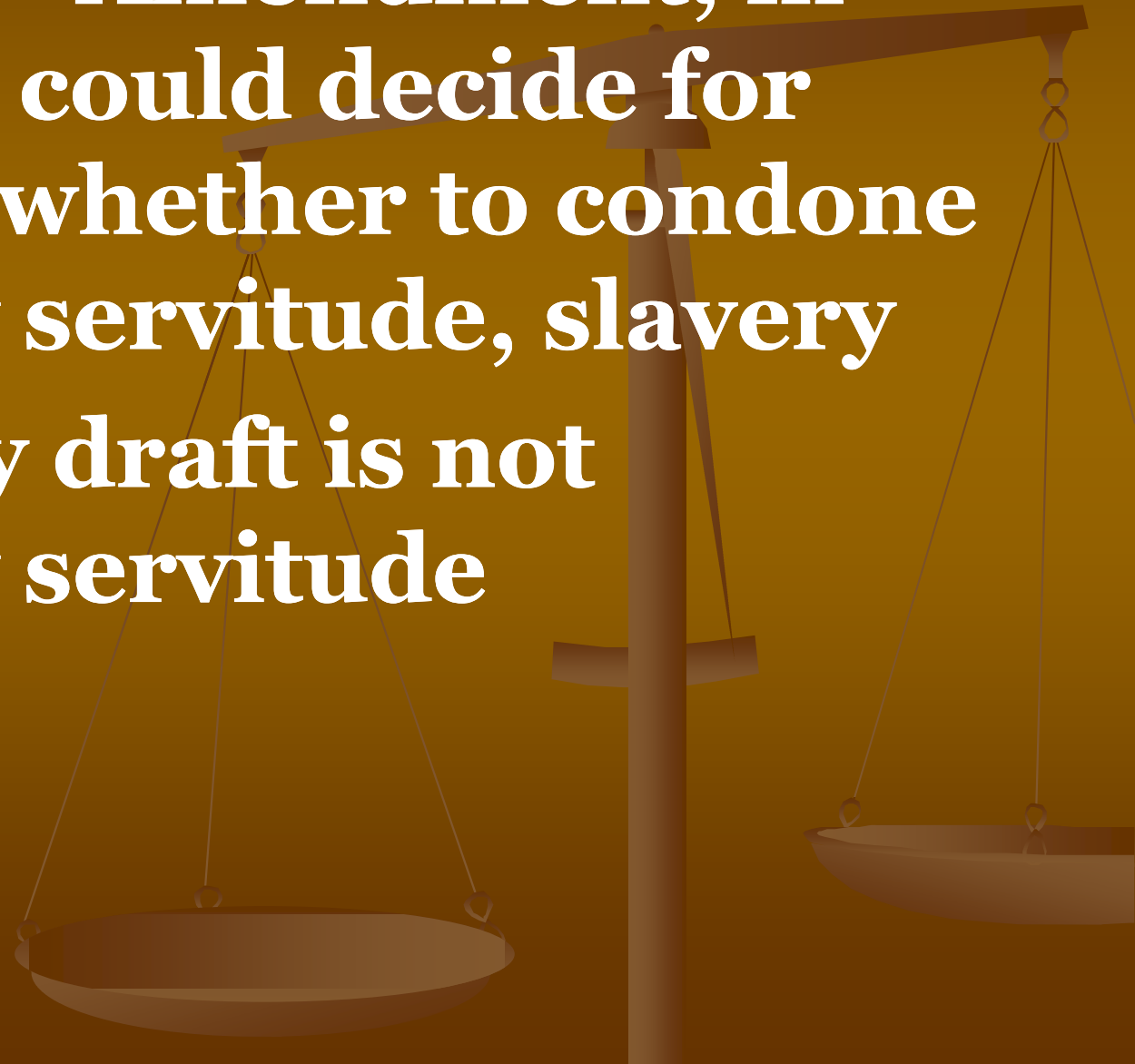
Chapter 20

Section 2

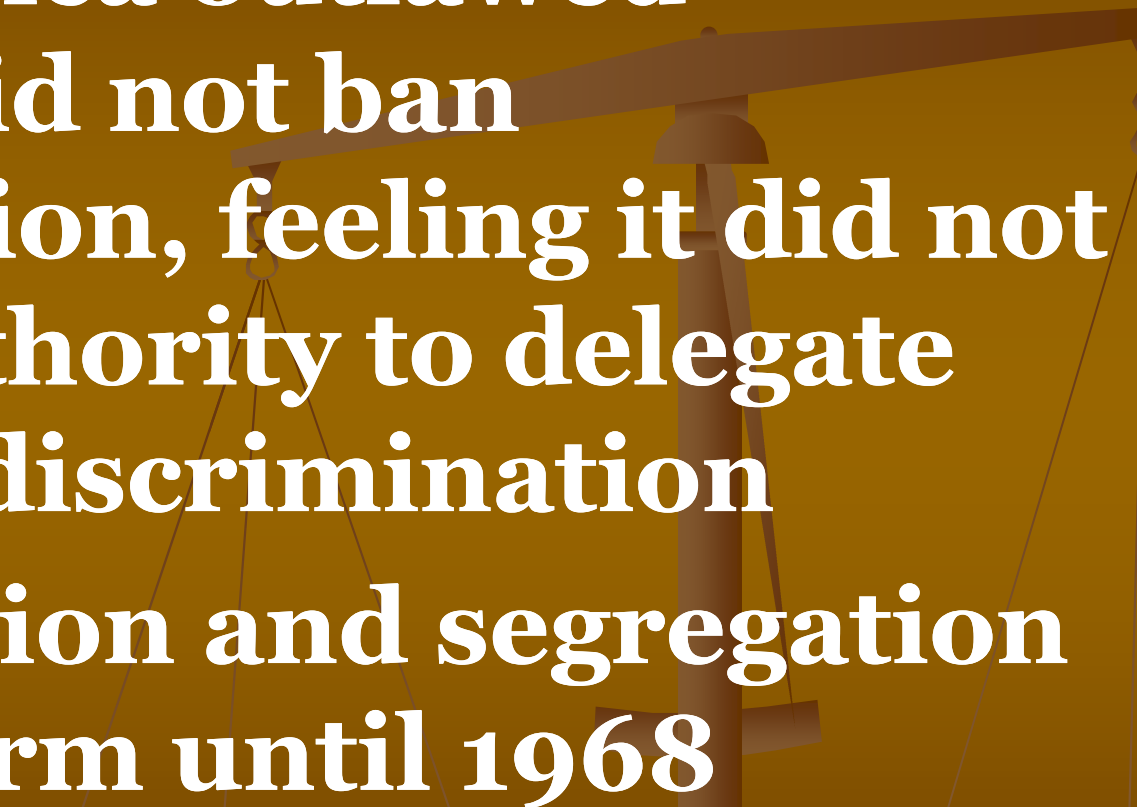
Freedom and Security  
of the Person

# Slavery

- **Until the 13<sup>th</sup> Amendment, in 1865, states could decide for themselves whether to condone involuntary servitude, slavery**
- **The military draft is not involuntary servitude**

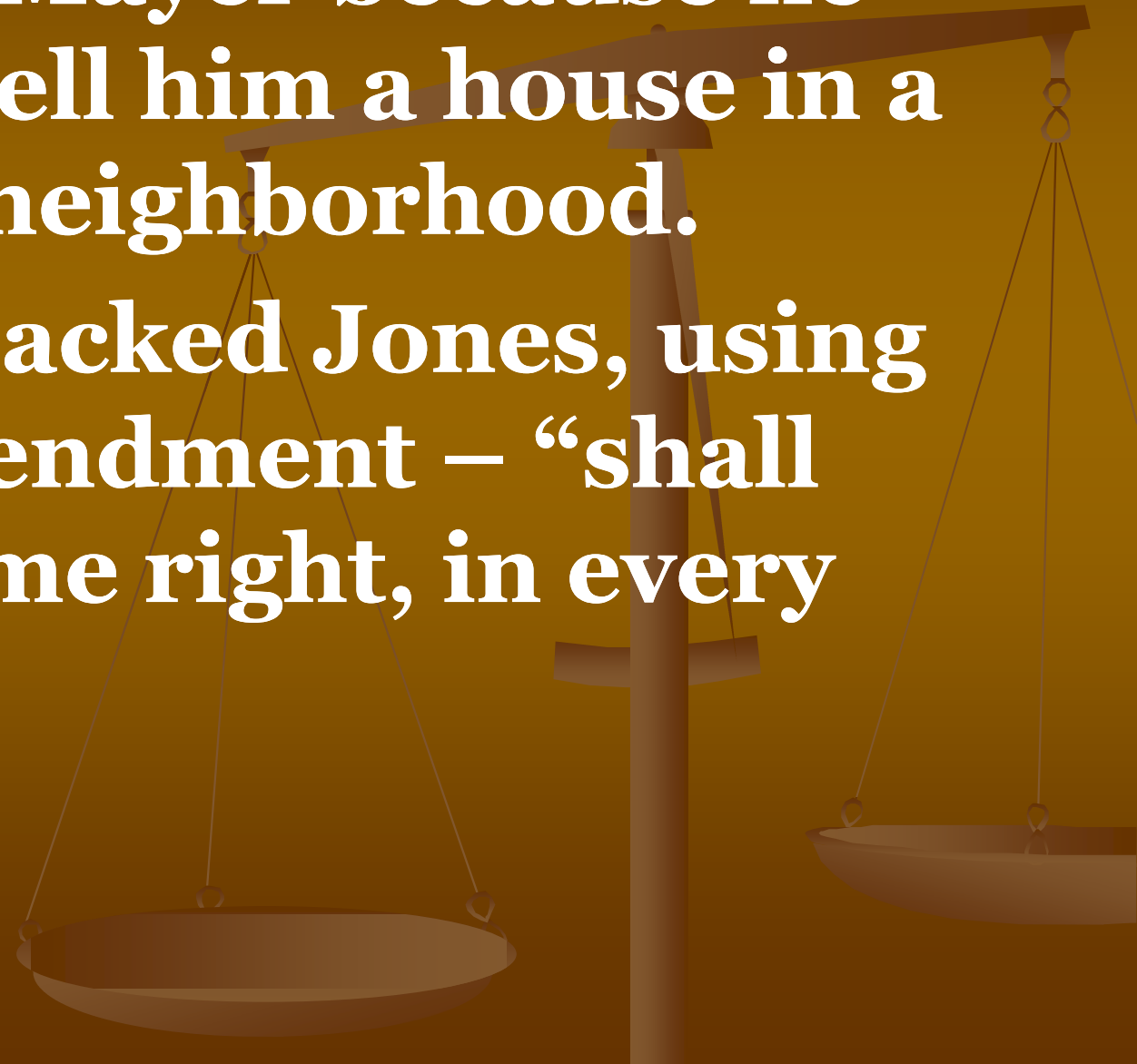


# 13<sup>th</sup> Amendment

- **When America outlawed slavery, it did not ban discrimination, feeling it did not have the authority to delegate race-based discrimination**
  - **Discrimination and segregation were the norm until 1968**
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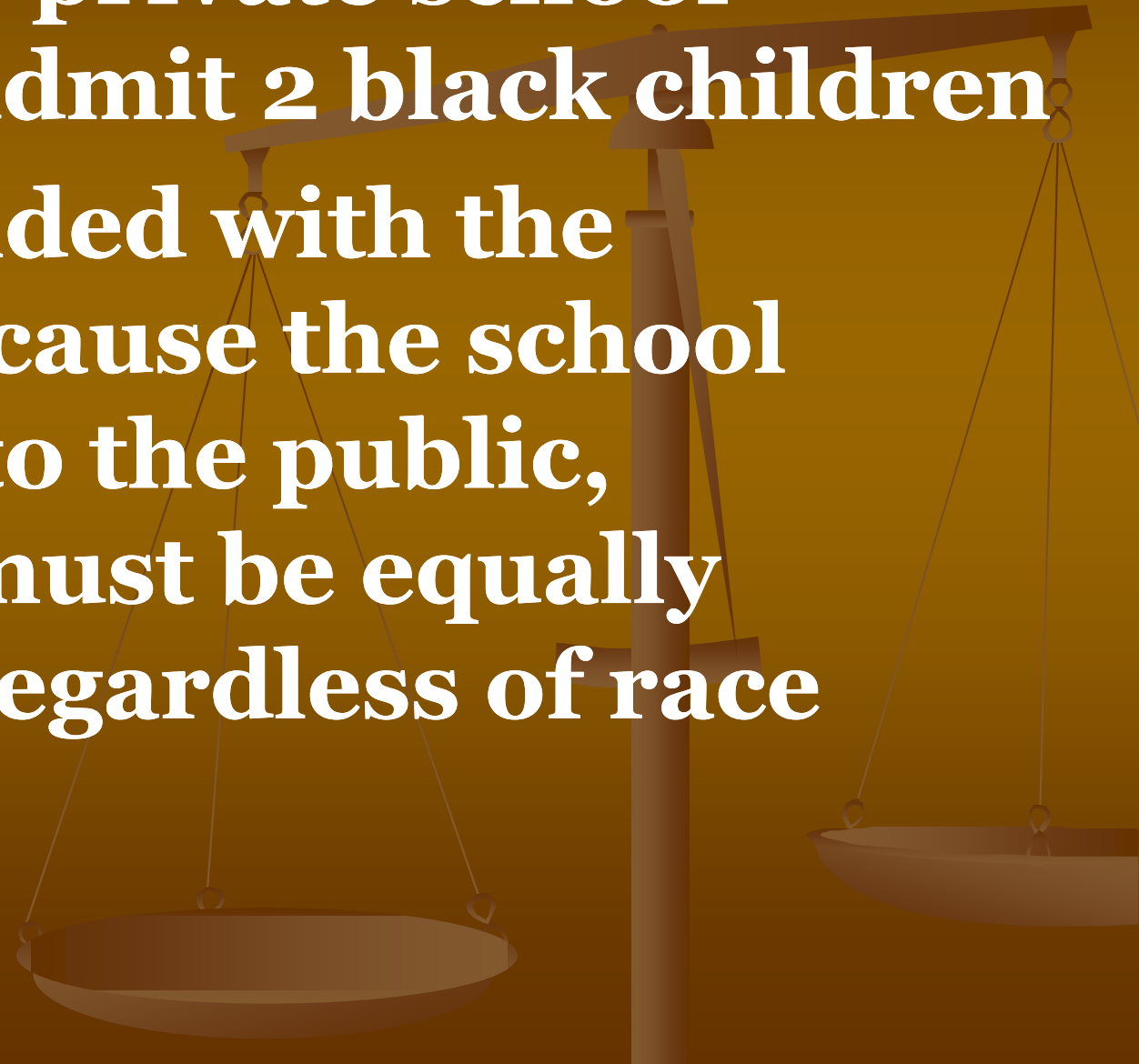
# Jones v. Mayer, 1968

- Jones sued Mayer because he refused to sell him a house in a white-only neighborhood.
- The Court backed Jones, using the 13<sup>th</sup> Amendment – “shall have the same right, in every State...”



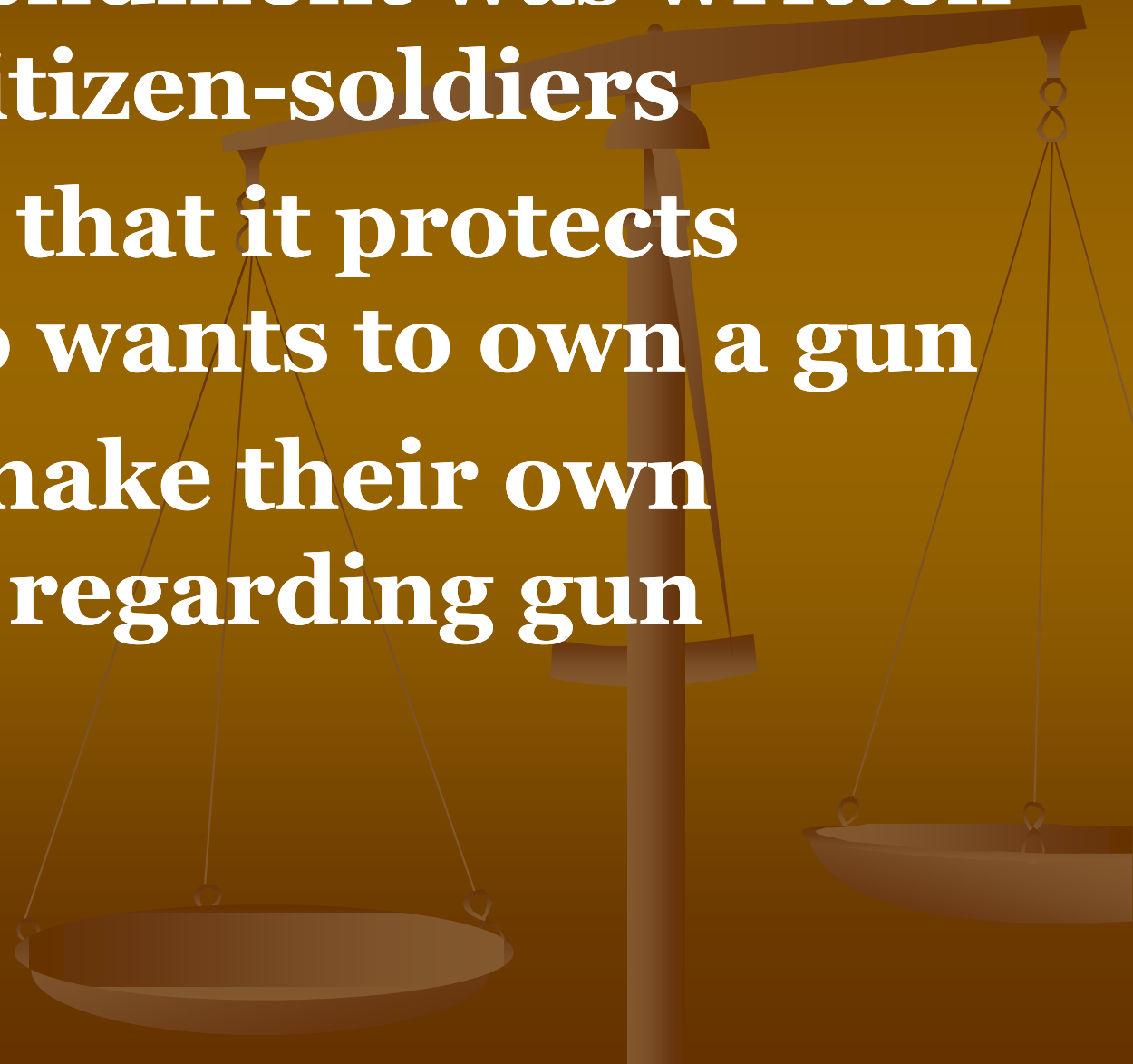
# Runyon v. McCray, 1976

- An all white private school refused to admit 2 black children
- The court sided with the children because the school advertised to the public, therefore, must be equally accessible regardless of race



# Right to Keep and Bear Arms

- The 2<sup>nd</sup> Amendment was written to protect citizen-soldiers
- Many claim that it protects anyone who wants to own a gun
- States can make their own regulations regarding gun ownership



# Quartering of Soldiers

- **The 3<sup>rd</sup> Amendment was written as protection**
- **Prior to the Revolution, Britain kept soldiers in private homes**
- **To date, there has never been a court case regarding this amendment**



# Search and Seizure

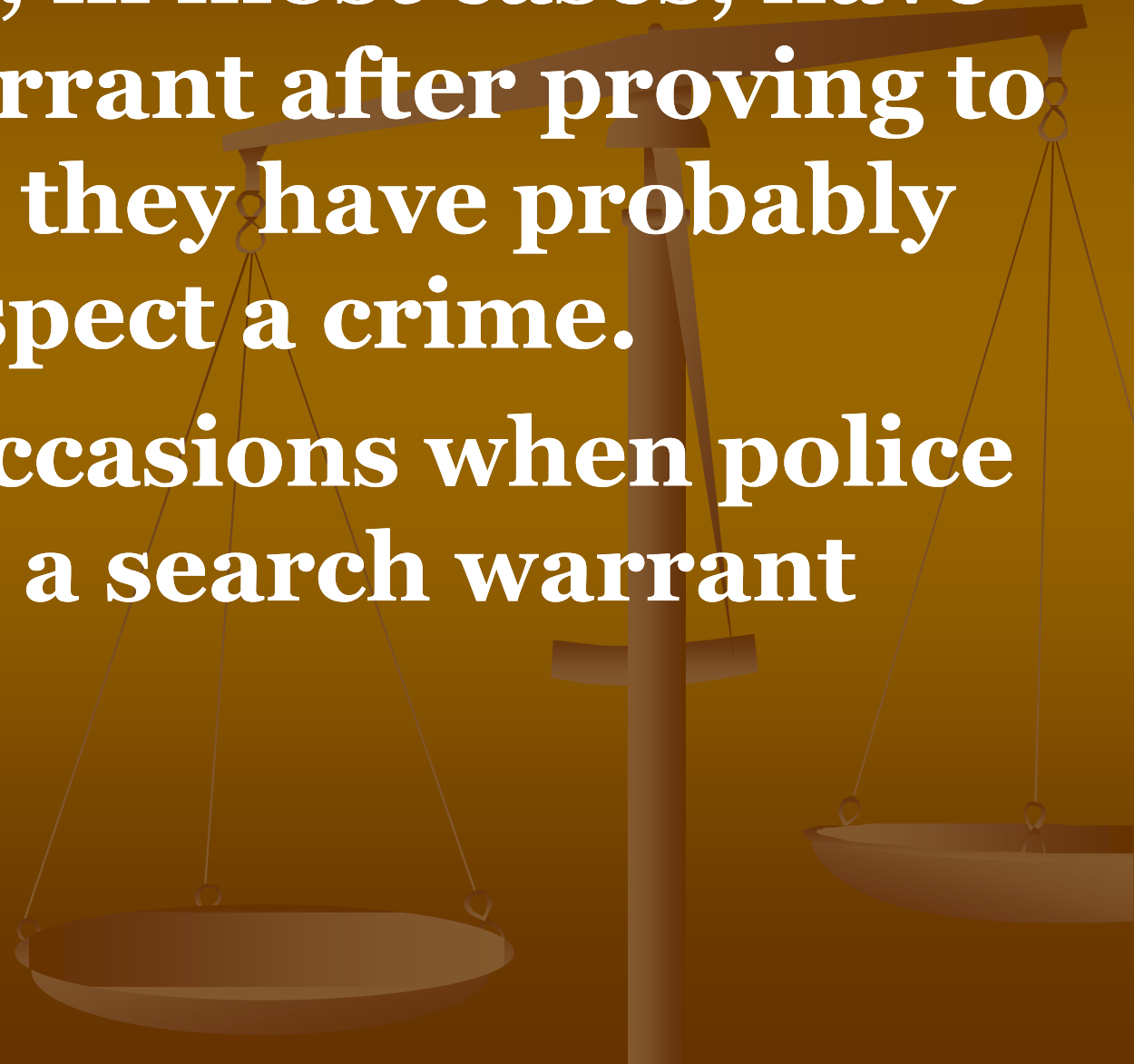


- **The 4<sup>th</sup> Amendment was written to prevent the use of writs of assistance, blanket search warrants**
- **Questions about this amendment have been decided by the US Supreme Court numerous times**



# Search and Seizure

- **Police must, in most cases, have a search warrant after proving to a judge that they have probably cause to suspect a crime.**
- **There are occasions when police do not need a search warrant**



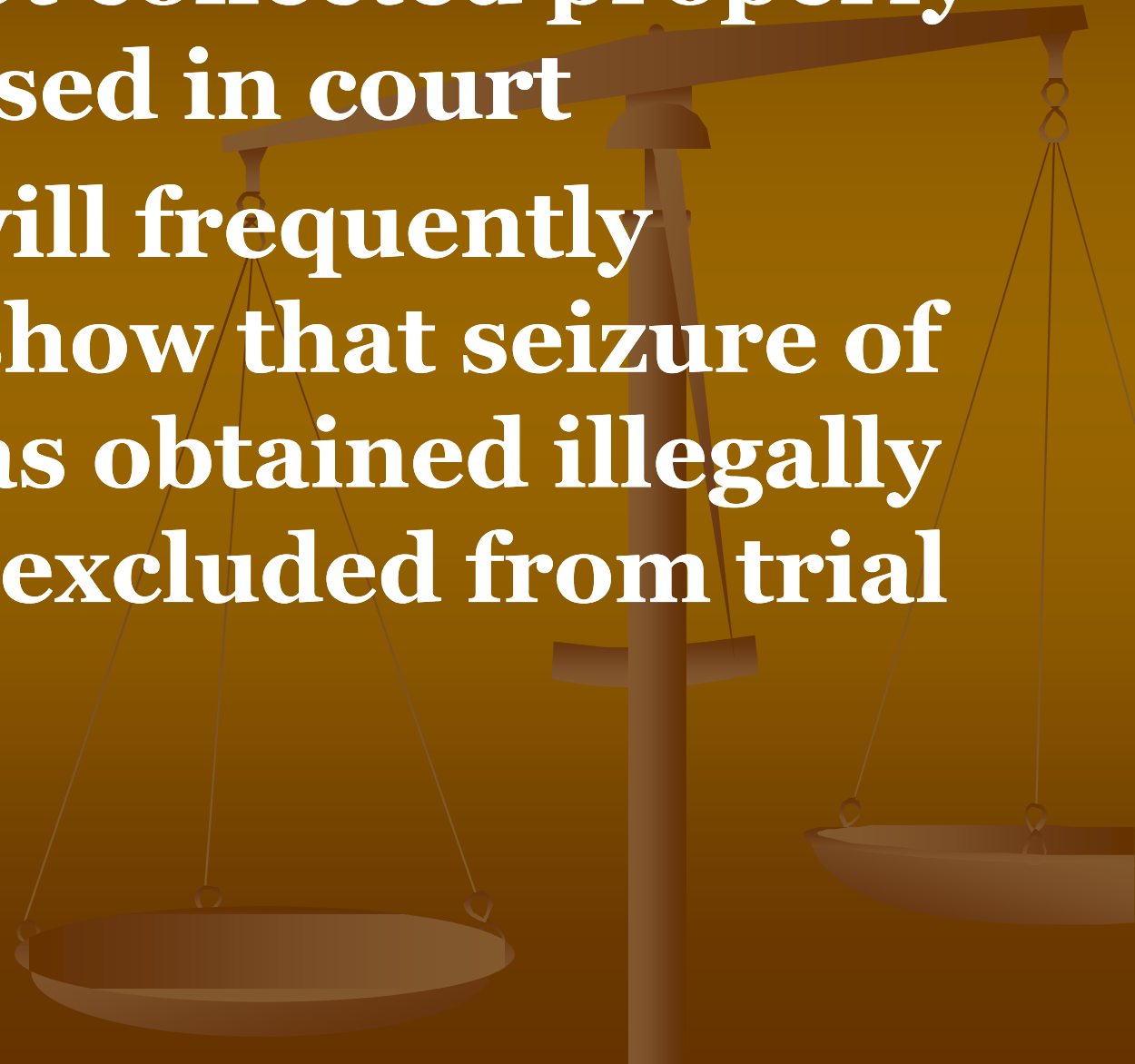
# No Search Warrant if:

- Evidence of a crime may move
- The police witness the crime
- Evidence is in plain view
- A crime is in progress

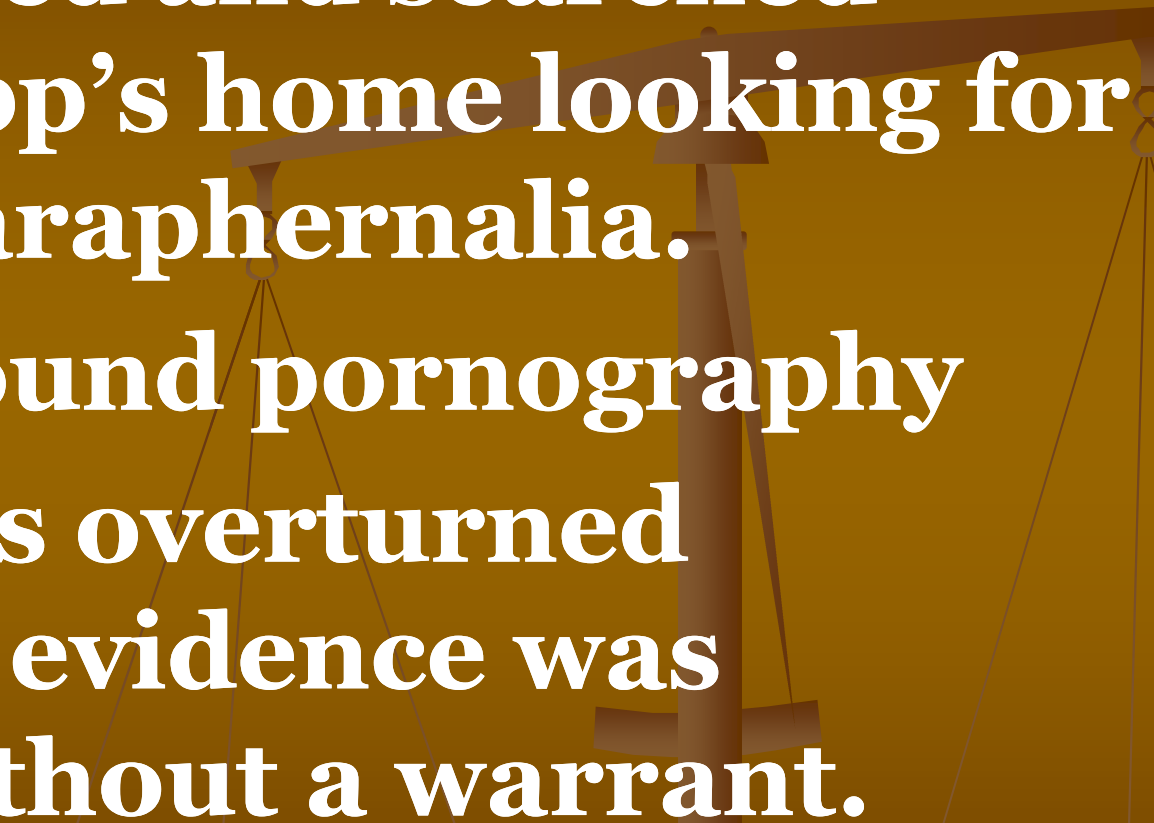


# Exclusionary Rule

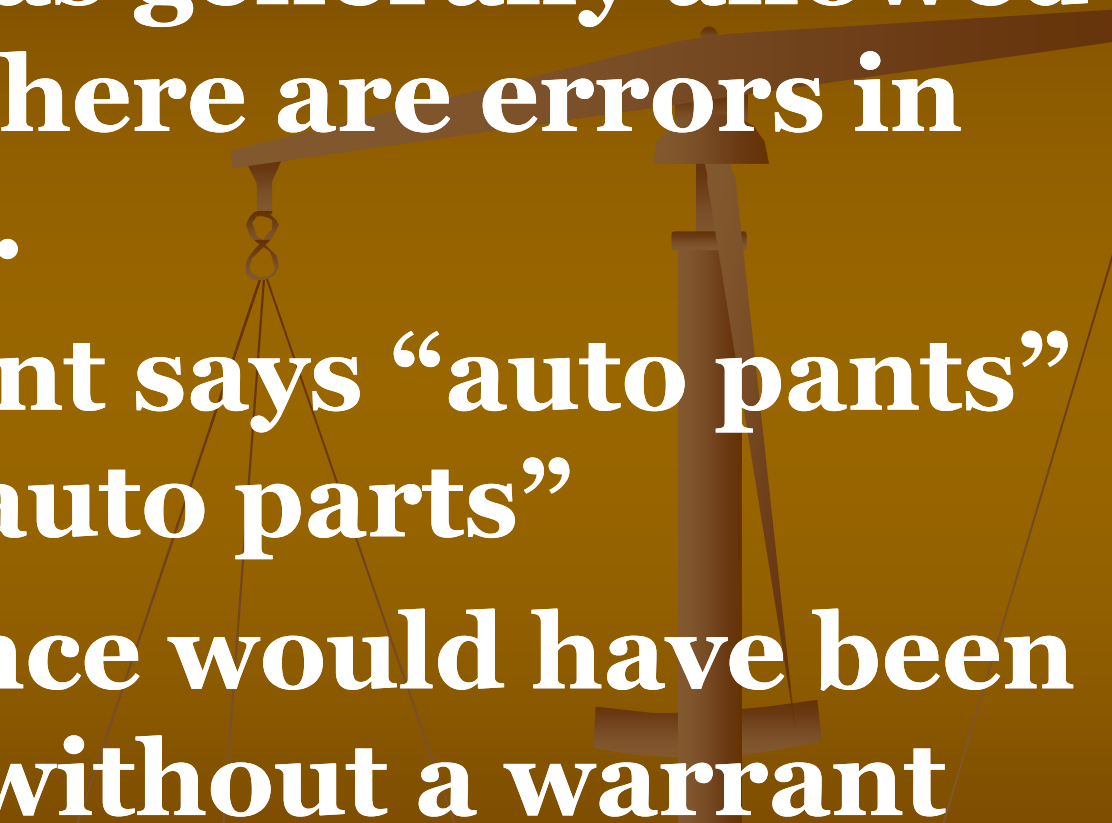
- Evidence not collected properly cannot be used in court
- Attorneys will frequently attempt to show that seizure of evidence was obtained illegally so it will be excluded from trial



# Mapp v. Ohio, 1961

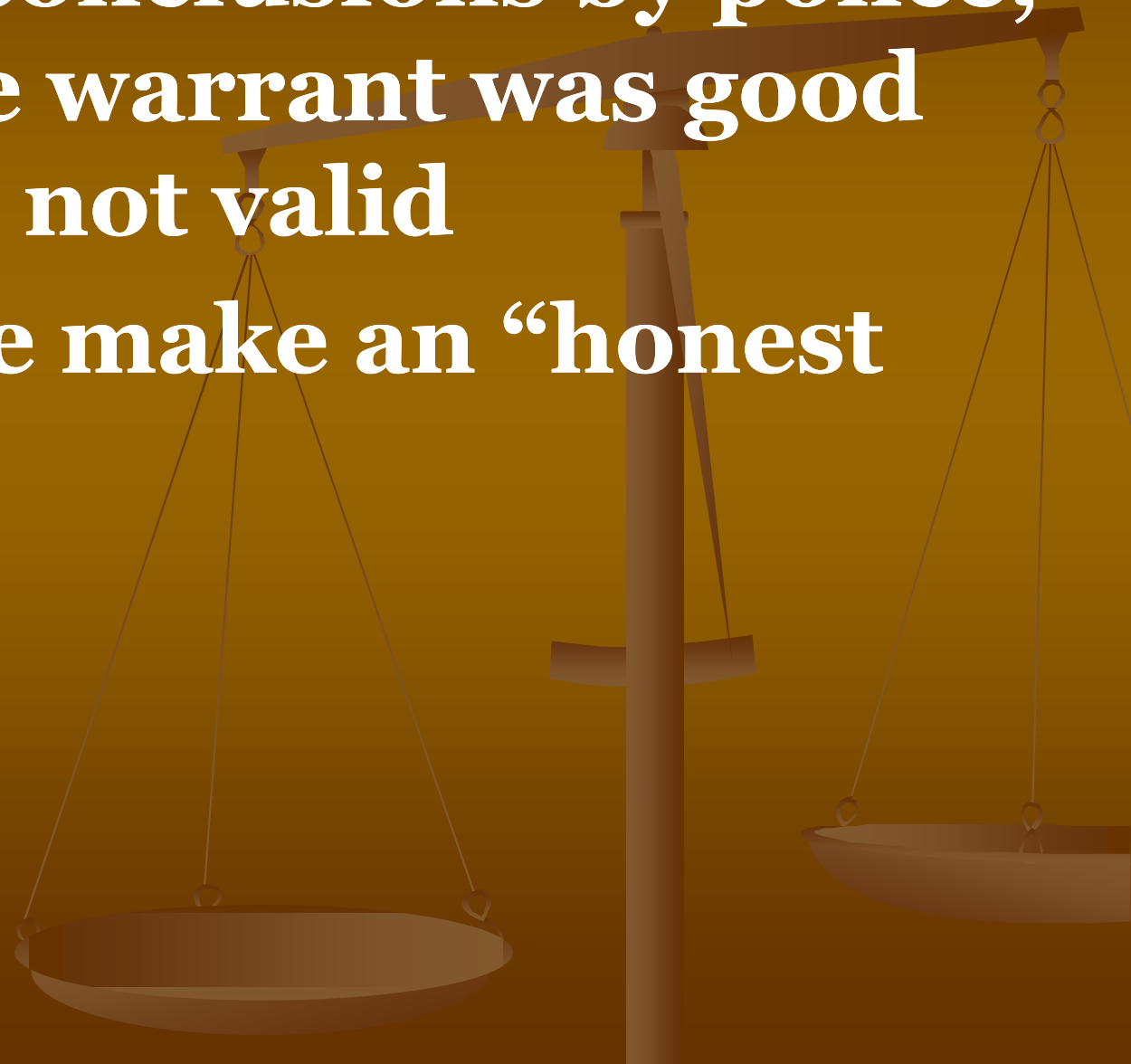
- **Police entered and searched Dollree Mapp's home looking for gambling paraphernalia.**
  - **They only found pornography**
  - **The case was overturned because the evidence was obtained without a warrant.**
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# Suppose there's a mistake

- The Court has generally allowed evidence if there are errors in the warrant.
  - If the warrant says “auto pants” instead of “auto parts”
  - If the evidence would have been discovered without a warrant
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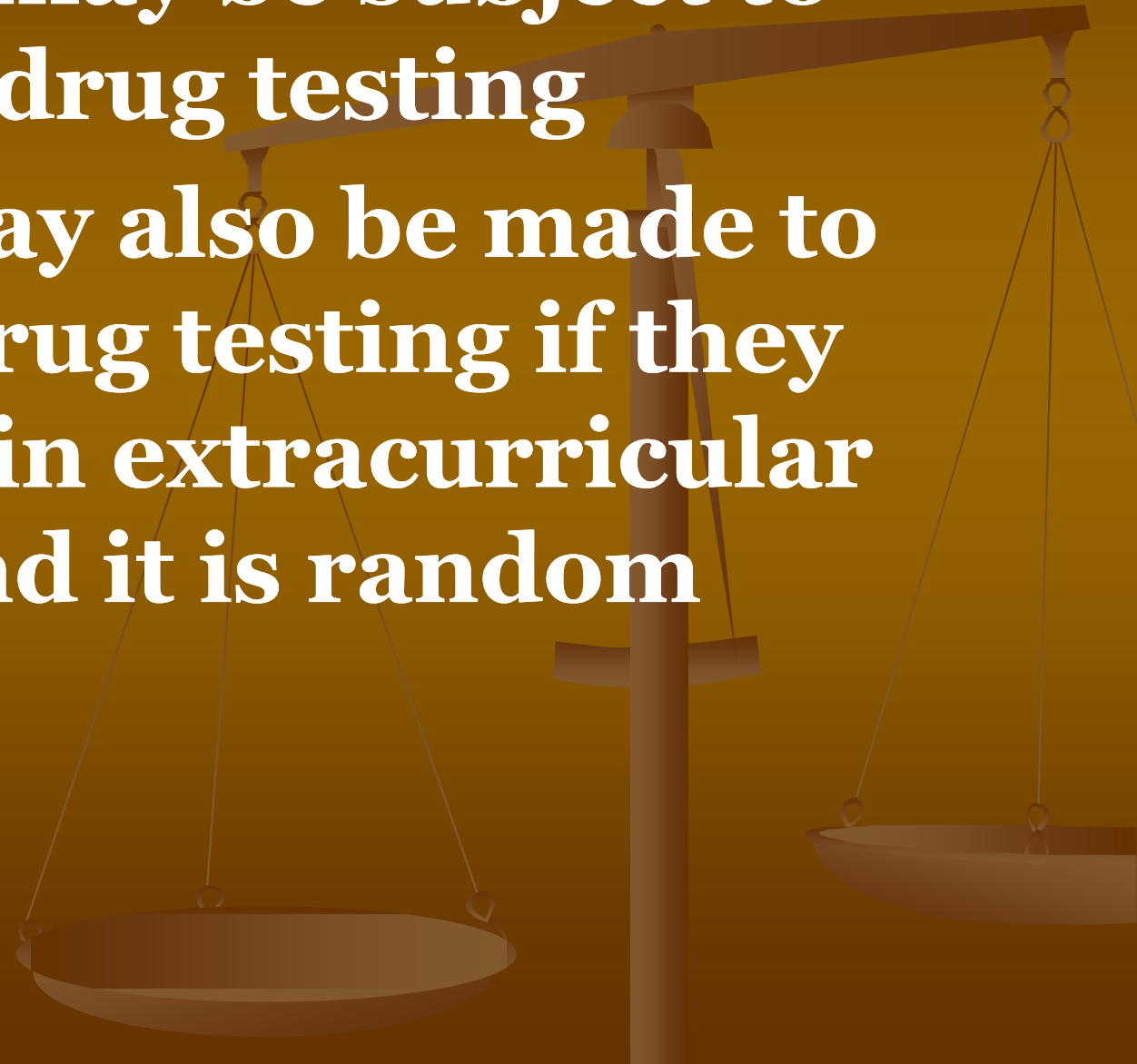
# Suppose there's a mistake

- **Good faith conclusions by police, thinking the warrant was good when it was not valid**
- **When police make an “honest mistake”**



# Drug Testing

- **Employees may be subject to mandatory drug testing**
- **Students may also be made to submit to drug testing if they participate in extracurricular activities and it is random**



***RANDOM DRUG TESTING IN  
HIGH SCHOOLS IN NJ***





# Random Drug Testing Program

*All Athletes*



*All students involved in co-curricular activities*

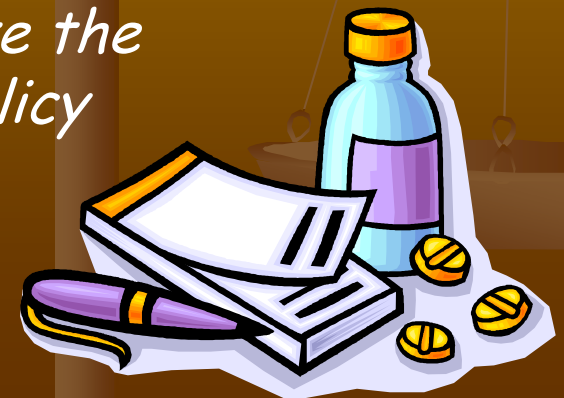


*All students granted permits for on-campus parking*



*Students who volunteer to be in the program*

*Students who violate the Substance abuse policy*



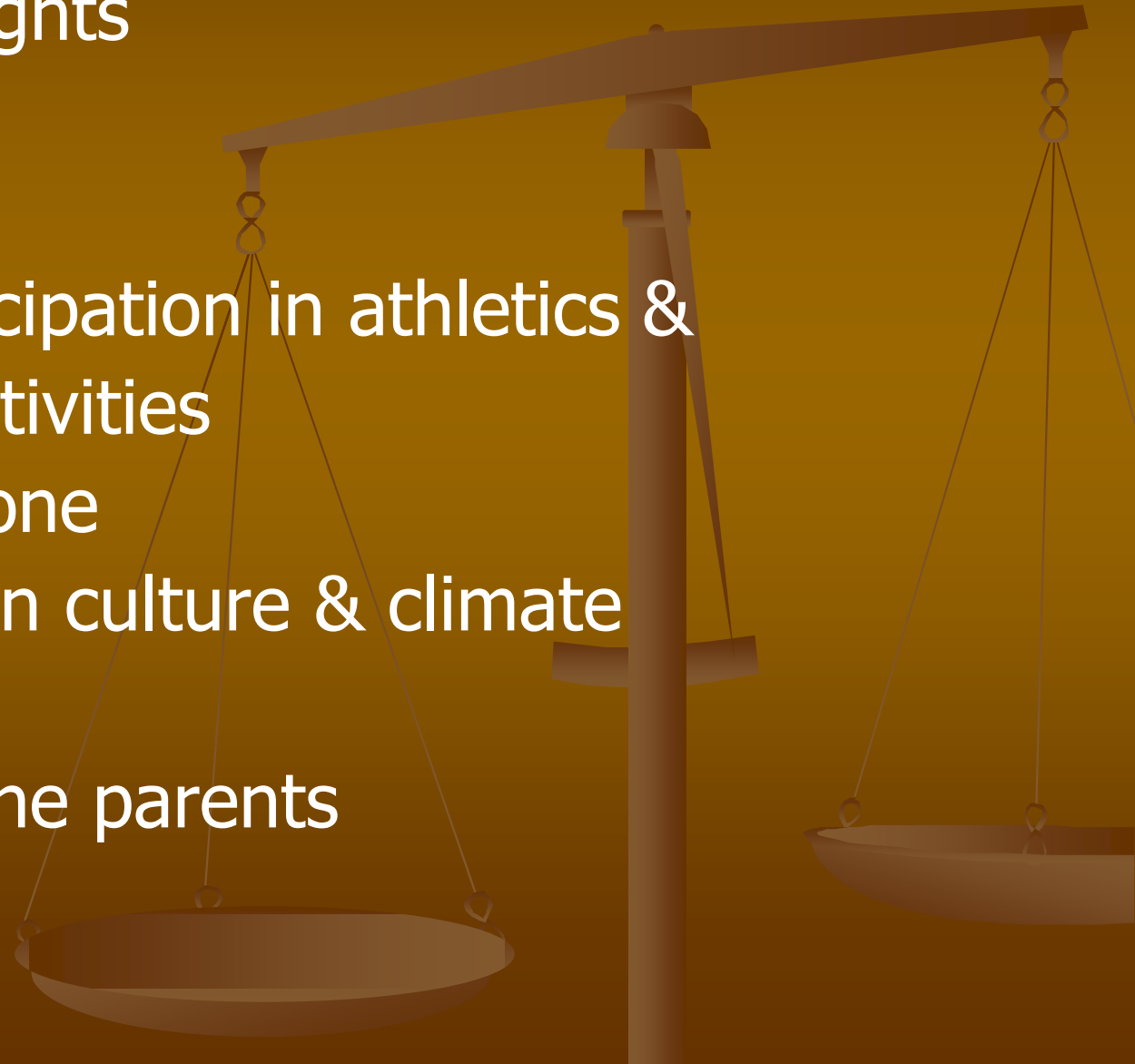
## Under Suspicion Vs Random Drug Testing

- 1 to 2 week suspension from school
- 30-60 day removal from all extra-curricular activities
- Notification to local law enforcement
- Inclusion of information in discipline file

- No suspension from school
- May be removed from extra-curricular activities (usually 1 week -1 month)
- Cannot be shared with local law enforcement- Results are strictly confidential
- Cannot be include in any discipline files

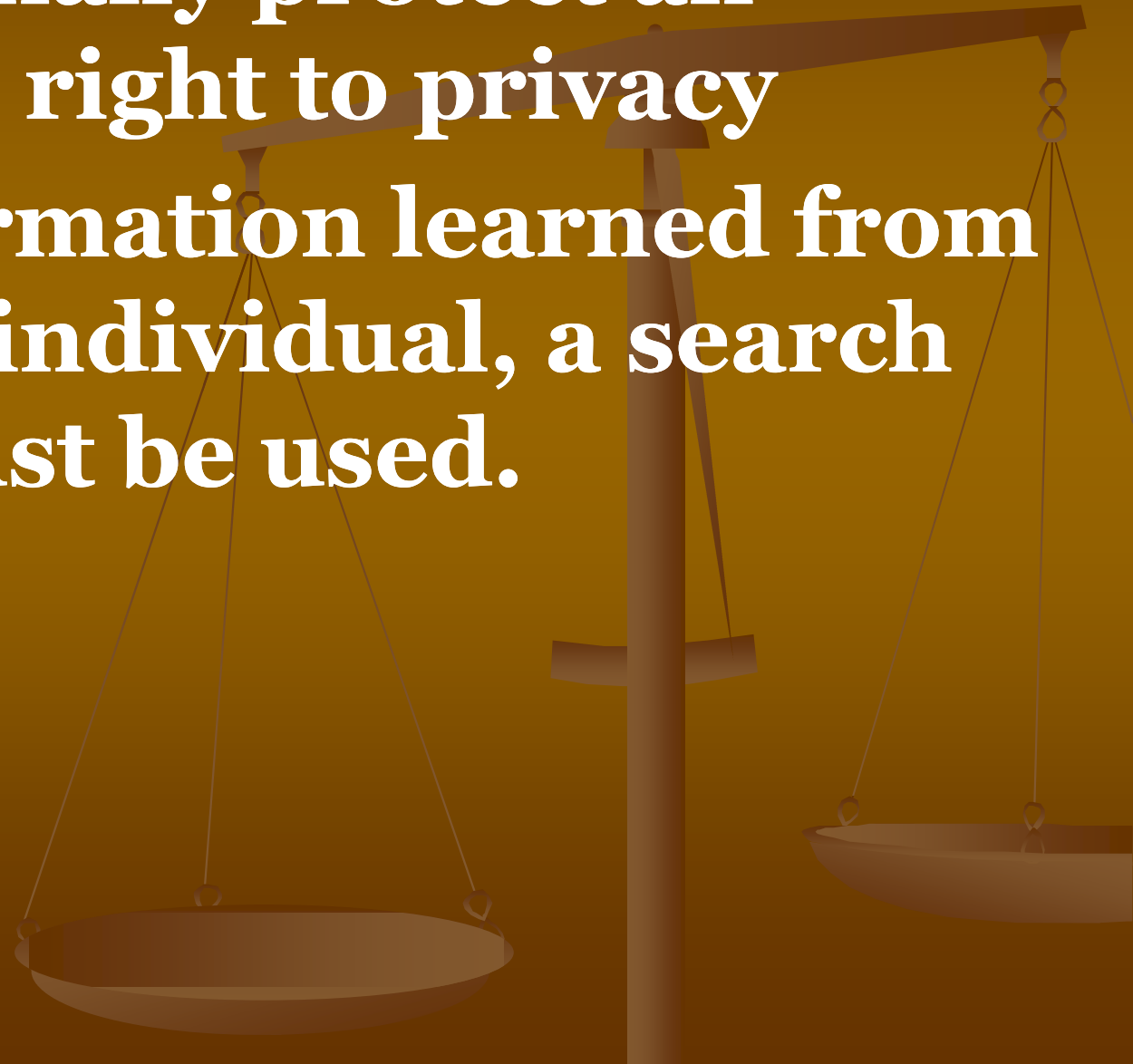
# What the critics say...

- Violation of civil rights
- Ineffective
- Costly
- Reduction in participation in athletics & extra-curricular activities
- Should test everyone
- Negative impact on culture & climate
- Privacy Issues
- Responsibility of the parents

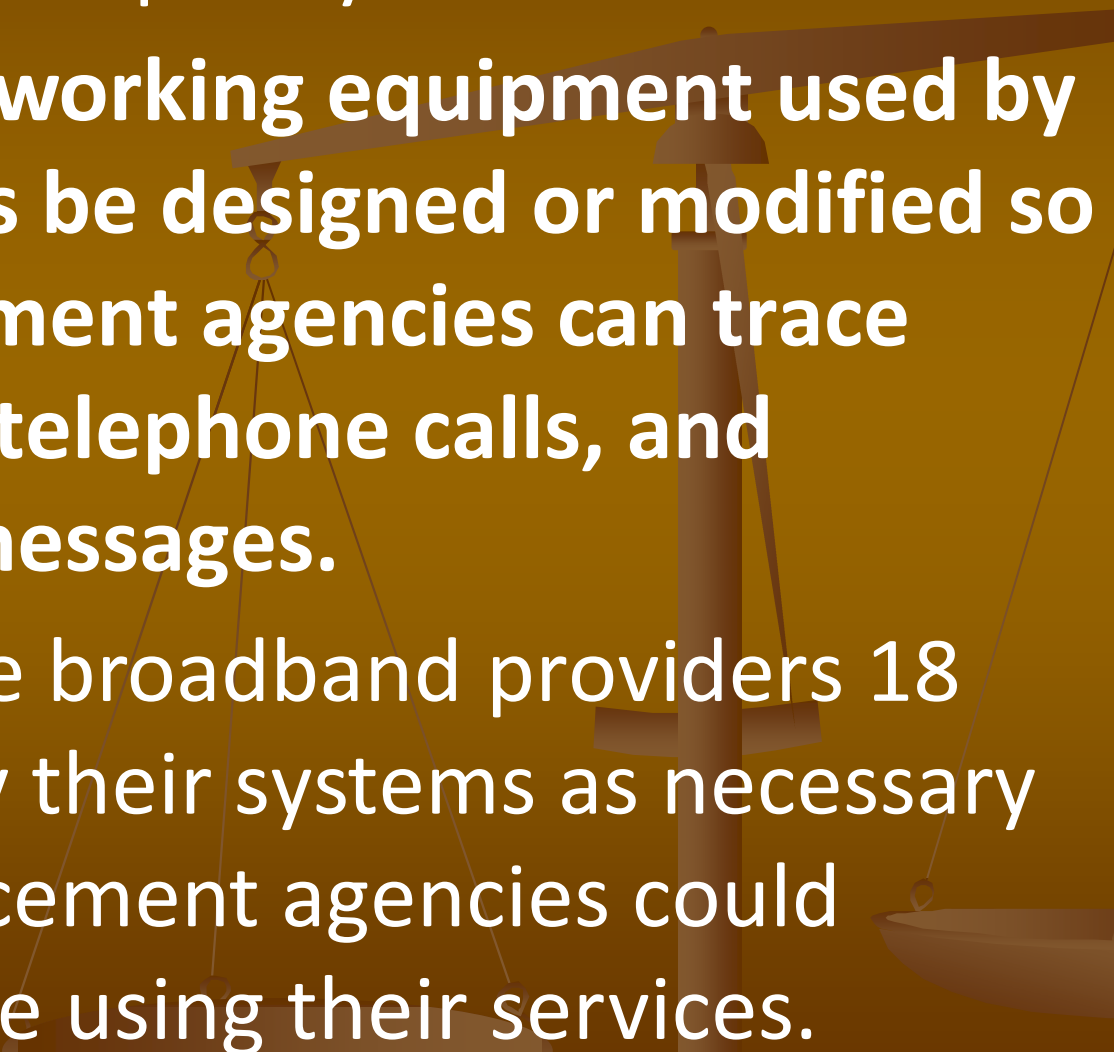


# Wire Tapping

- Courts normally protect an individual's right to privacy
- To use information learned from bugging an individual, a search warrant must be used.



## Communications Assistance for Law Enforcement Act

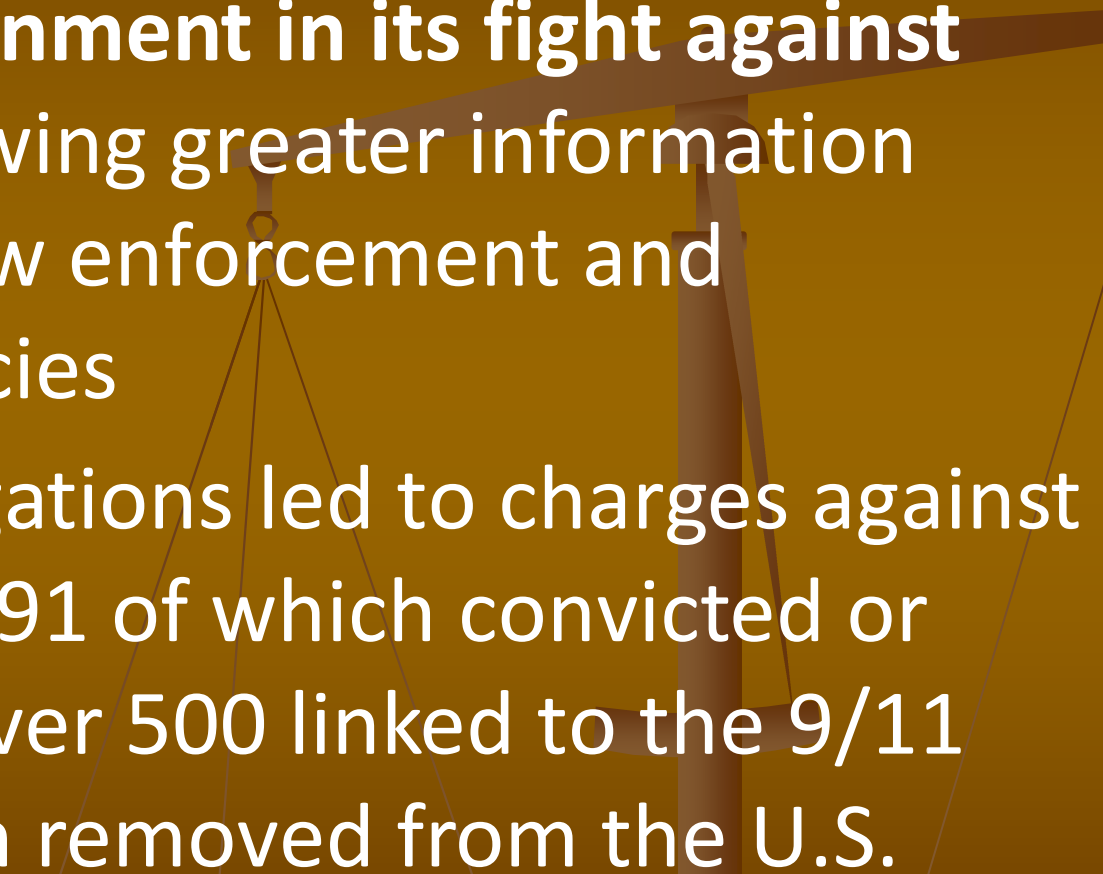
- 1994, aka Digital Telephony Act
  - Law required networking equipment used by phone companies be designed or modified so that law-enforcement agencies can trace calls, listen in on telephone calls, and intercept email messages.
  - August 2005, gave broadband providers 18 months to modify their systems as necessary so that law enforcement agencies could wiretap calls made using their services.
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# USA Patriot Act

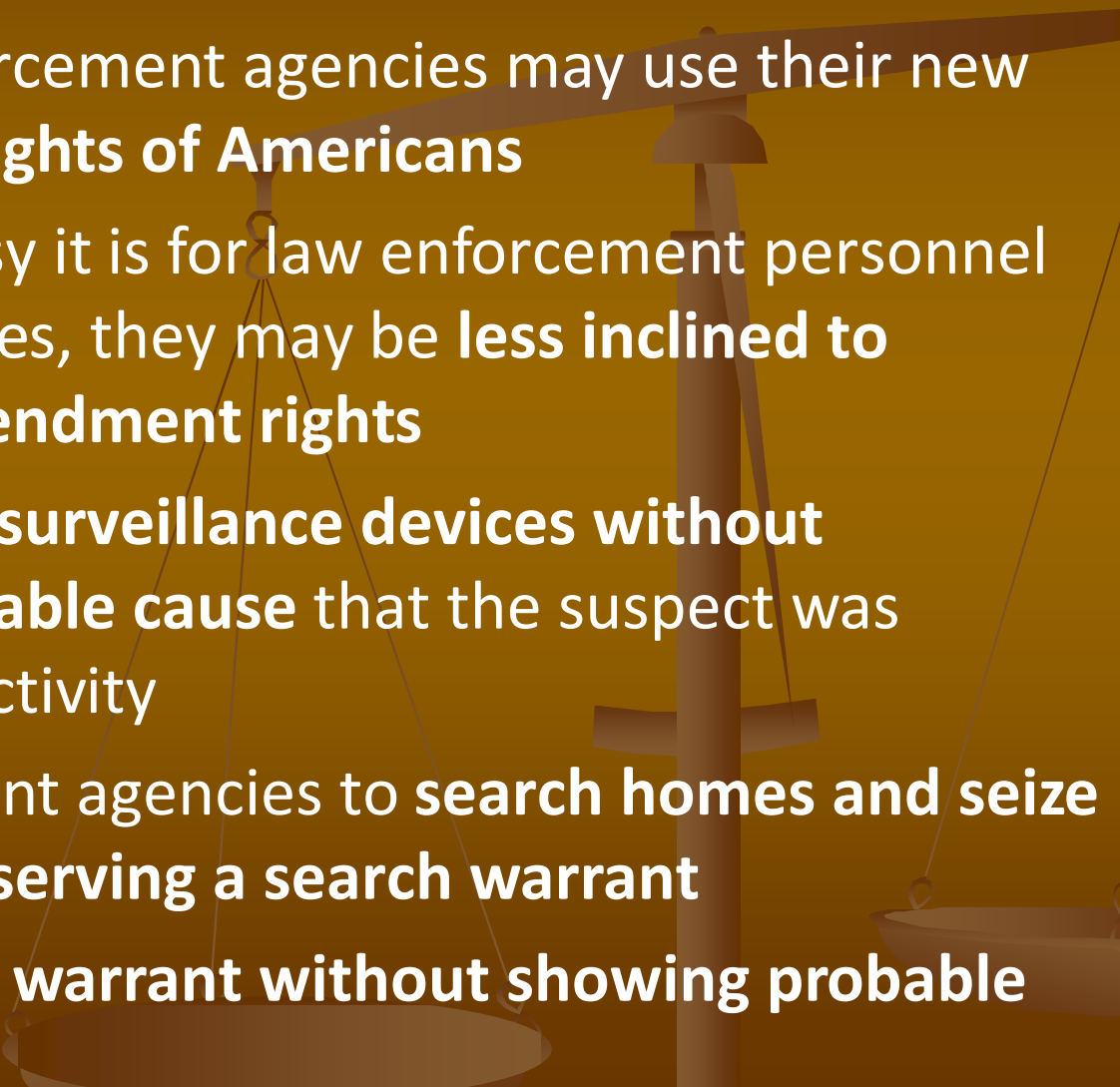


1. Provides federal law enforcement and intelligence officials with **greater authority to monitor communications**
2. Gives the Secretary of the Treasury **greater powers to regulate banks**, preventing them from being used to launder foreign money
3. Makes it **more difficult for terrorists to enter the United States**
4. **Defines new crimes and penalties** for terrorist activity

# **Patriot Act Successes**

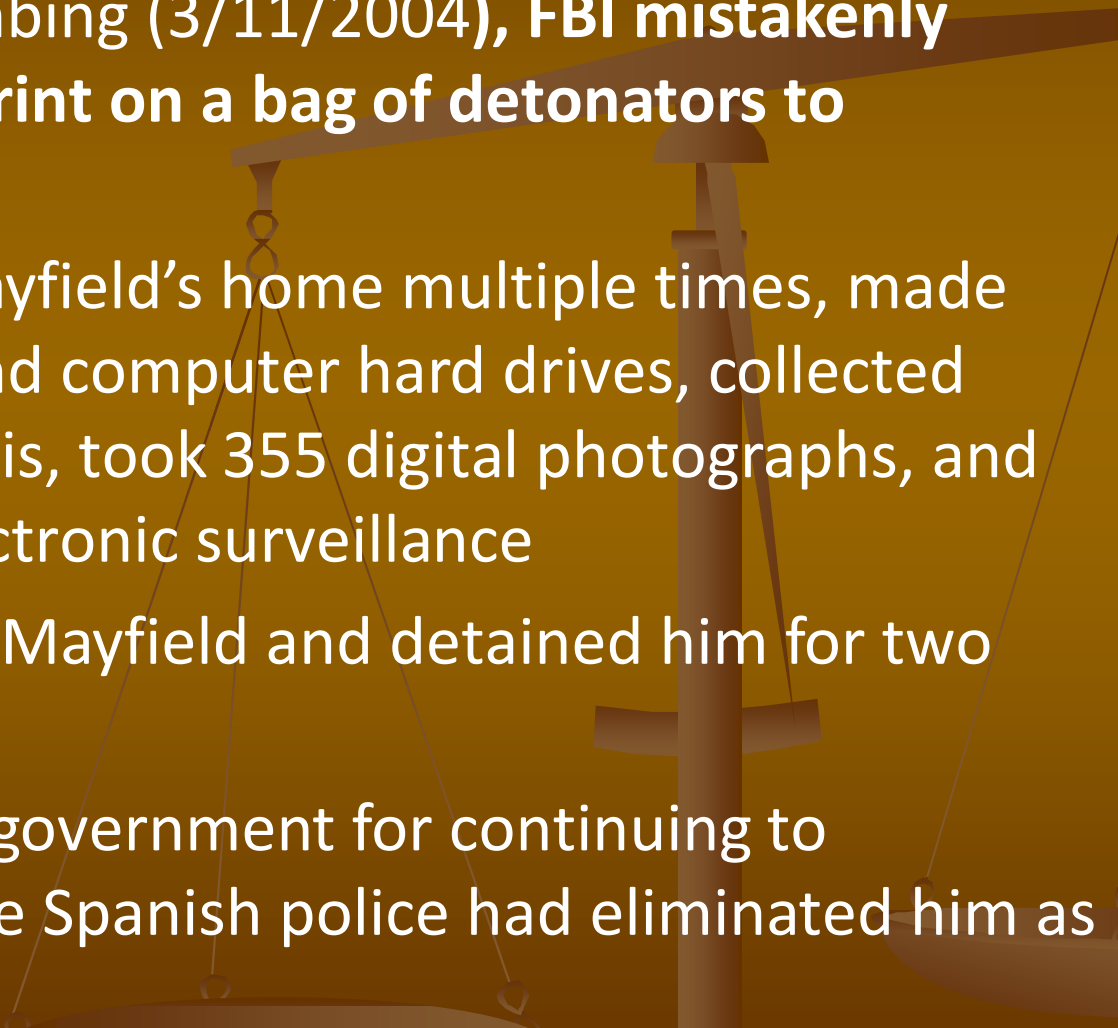
- **Helped the government in its fight against terrorism** by allowing greater information sharing among law enforcement and intelligence agencies
  - Terrorism investigations led to charges against 361 individuals, 191 of which convicted or pled guilty, and over 500 linked to the 9/11 attacks have been removed from the U.S.
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# Responses to the Patriot Act

- Provisions gave **too much power to federal government**
  - Concerns that law enforcement agencies may use their new powers to **reduce the rights of Americans**
  - If people know how easy it is for law enforcement personnel to monitor their activities, they may be **less inclined to exercise their First Amendment rights**
  - Allowed **installation of surveillance devices without demonstration of probable cause** that the suspect was engaged in a criminal activity
  - Allowed law enforcement agencies to **search homes and seize evidence without first serving a search warrant**
  - Allowed FBI to **obtain a warrant without showing probable cause**
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# Patriot Act Failure

- After Spanish train bombing (3/11/2004), **FBI mistakenly linked a partial fingerprint on a bag of detonators to Brandon Mayfield**
  - FBI secretly entered Mayfield's home multiple times, made copies of documents and computer hard drives, collected DNA samples for analysis, took 355 digital photographs, and put Mayfield under electronic surveillance
  - FBI eventually arrested Mayfield and detained him for two weeks
  - Mayfield sued the U.S. government for continuing to investigate him after the Spanish police had eliminated him as a suspect
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# Identity Theft



- Identity theft: misuse of another person's identity to take actions not permitted the owner
- Credit card fraud #1 type of identity theft
- Ease of opening accounts online contributes to problem
- About 10 million U.S. victims per year
- Typical for a victim to spend hundreds of hours cleaning up problem

# Phishing and Pharming

- Phishing: gathering personal information via a fraudulent spam message
  - Pharming: creation of an authentic-looking Web site to fool people into revealing personal information
  - Phishing and pharming often linked; spam message contains link to fraudulent Web site
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