

Due Process

Topic 3.7-3.9

To who does the constitution of the united states apply?

- What was the original purpose of the constitution?



14th amendment

Section 1

* All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; 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.

I. Selective Incorporation

What are the implications of the selective incorporation doctrine?

- A. 14th amendment
 - due process clause
- A. Early incorporation
 - *Gitlow v. New York*
 - *Near v. Minnesota*
- B. *McDonald V. Chicago*

Table 1: Major Cases Affecting the Doctrine of Selective Incorporation

Case	Year	Provision	Amendment
<i>Gitlow v. New York</i>	1925	Freedom of speech	First
<i>Near v. Minnesota</i>	1931	Freedom of the press	First
<i>Powell v. Alabama</i>	1932	Right to counsel in capital cases	Sixth
<i>De Jonge v. Oregon</i>	1937	Freedom of assembly, right to petition	First
<i>Cantwell v. Connecticut</i>	1940	Free exercise of religion	First
<i>Everson v. Board of Education</i>	1947	No establishment of religion	First
<i>In re Oliver</i>	1948	Right to public trial	Sixth
<i>Wolf v. Colorado</i>	1949	Right against unreasonable search and seizure	Fourth
<i>Mapp v. Ohio</i>	1961	Exclusionary rule	Fourth (and Fifth)
<i>Robinson v. California</i>	1962	Right against cruel and unusual punishment	Eighth
<i>Gideon v. Wainwright</i>	1963	Right to counsel in felony cases	Sixth



The Saturday Press
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A Direct Challenge to Police Chief Brunskill

Respectfully Submitted

The Chief, in banning this paper from news stands, definitely aligns himself with gangland, violates the law he is sworn to uphold, when he tries to suppress this publication. The only paper in the city that dares expose the gang's deadly grip on Minneapolis. A plain statement of facts and a warning of legal action.

Respectfully submitted
 ROCKY MOUNTAIN NEWS-NEWS

Rocky Mtn. News-News



INFRASTRUCTURE



5th amendment

- No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

II. Due Process and the rights of the accused

To what extent are states limited from infringing upon individual rights by the due process clause?

A. Procedural due process: manner in which the law is carried out

- Fifth amendment: “no person shall be deprived of life, liberty, without due process”
- Fourth amendment: no unreasonable searches or seizure
- Exclusionary rule: Mapp V. Ohio 1961 incorporates the 4th
 - New jersey V. TLO 1985
 - Warrants



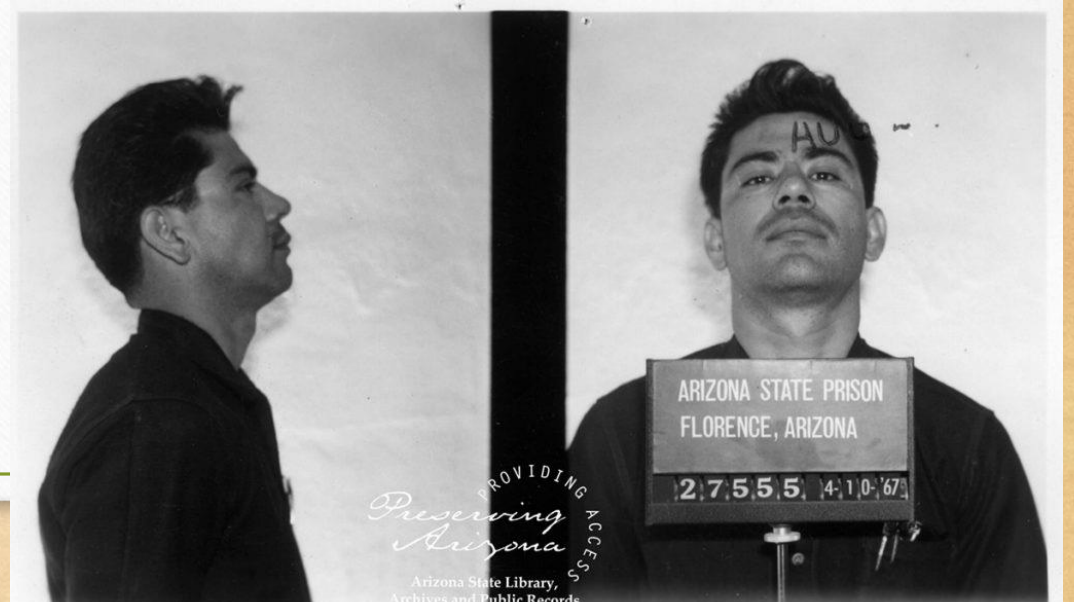
II. Due Process and the rights of the accused

B. Contemporary procedural due process

- * access to phone data- freedom act 2015
- * patriot act
- *habeas corpus, and executive power

C. Rights of the accused

- Self incrimination- Miranda v. Arizona
- Public safety exception
- Right to counsel- sixth amendment



III. Due Process and the Right to Privacy

To what extent are states limited from infringing upon individual rights by the due process clause?

- A. Substantive due process: essence of the law
- B. Right to privacy
 - * Griswold V. Connecticut
- C. Roe v. Wade

