

V. The Fourth Amendment

- The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.

**COME BACK
WITH A
WARRANT.**

WANTED

by the
FOURTH
AMENDMENT

FOR VIOLATION OF YOUR NATURAL RIGHT TO PRIVACY

TSA

Random Search
without Probable Cause
Violation of
1974 Privacy Act

NSA

Spying on YOUR Phone Calls
Infiltration of
Private Organizations
Recording YOUR E-mail

FBI

Entrapment
Warrantless Wiretaps
Lying to Grand Juries
40,000 Privacy Violations

CIA

Drone Spying and Attacks
Infiltration
Torture
Invasion of Privacy

A. 3 notable 18th century cases (2 from England and 1 from the colonies) influenced the Framers' drafting of the Fourth Amendment.

1. Two English cases - seized pamphlets.
2. The 3rd case involved "writs of assistance," which permitted officials to search for smuggled goods.

B. The word “unreasonable” indicates an independent prohibition on the actions of government officials.

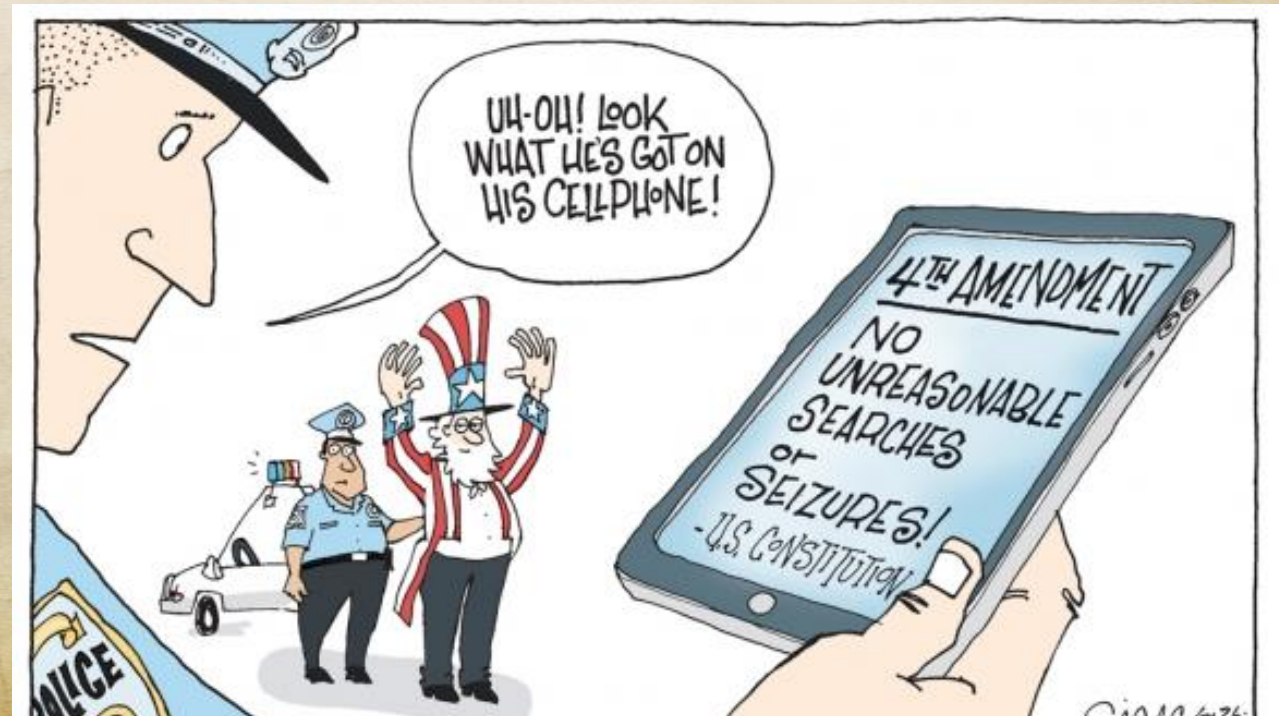
1. Others argue that the ‘Searches and Seizures’ Clause does not authorize the courts to do anything

2. Many try to unconstitutionally hide behind the 4th amendme



C. What makes a search or seizure “reasonable?”

1. In a criminal context, if a police officer can demonstrate probable cause & obtain a warrant for the search, the search is “reasonable.”



2. Some warrantless searches are reasonable if circumstances are present. (I.e. an object is in plain view)



3. With reasonable suspicion, police can question individuals without arresting them.

4. Some government officials (in the school or airport context, for instance) may conduct random, suspicion-less searches to prevent some particular harm.



VI. The Fifth Amendment

Fifth Amendment

To the U. S. Constitution

No person shall...be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

A. Protects a person against being compelled to be a witness against himself or herself in a criminal case.

1. "Pleading the Fifth" is a term for invoking the privilege that the 5th amendment gives us.

2. A defendant cannot be compelled to become a witness at his/her trial.

B. The Amendment requires that felonies be tried only upon indictment by a grand jury.

MIRANDA WARNING

1. YOU HAVE THE RIGHT TO REMAIN SILENT.
2. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.
3. YOU HAVE THE RIGHT TO TALK TO A LAWYER AND HAVE HIM PRESENT WITH YOU WHILE YOU ARE BEING QUESTIONED.
4. IF YOU CANNOT AFFORD TO HIRE A LAWYER, ONE WILL BE APPOINTED TO REPRESENT YOU BEFORE ANY QUESTIONING IF YOU WISH.
5. YOU CAN DECIDE AT ANY TIME TO EXERCISE THESE RIGHTS AND NOT ANSWER ANY QUESTIONS OR MAKE ANY STATEMENTS.

WAIVER

DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU?
HAVING THESE RIGHTS IN MIND, DO YOU WISH TO TALK TO US NOW?

C. Due process -
The government
cannot take away
a person's life,
property, or
freedom without
following certain
steps that give the
person a fair
chance.



D. The 5th amendment protects a person's life, liberty, and property.



VII. The 6th Amendment

- The right to a speedy trial. - you cannot be held in jail for a lengthy amount of time without a trial



A. Background to the 6th Amendment

1. Magna Carta 1215 -viewed as one of the most important legal documents in the development of modern democracy.
2. The English Habeas Corpus Act of 1679, required timely hearings while the accused was on bail.

B. Modern Court views the right to a speedy trial as preventing not only the harm of pretrial detention, but also harm to the defense caused by delay

1. For example, fading memories or the deaths of witnesses.
2. Thus, release on bail no longer stops the speedy-trial "clock," and a violation can occur simply because of harm to the defense.

3. One's right to a speedy trial in most instances begins from the time of arrest or indictment, not from the moment an investigation begins.

- a. An indictment or information must be filed within thirty days of arrest
- b. A trial should occur within seventy days of the filing.

C. The rights given to you by the 6th amendment.

1. The right to a public trial without unnecessary delay.
2. The right to a lawyer.



3. The right to an impartial jury.

4. The right to know who your accusers are, and the nature of charges and evidence against you.

