

# Civil Liberties

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# Road map

- What are civil liberties?
- Where do they come from?

# Open Ended Question

**What is the difference between civil liberties and rights?**

# Definitions

## Civil Liberties

“Limitations on government power, intended to protect freedoms that governments may not legally intrude on.”  
(Krutz, 110)

## Civil Rights

“Guarantees that government officials will treat people equally and that decisions will be made on the basis of merit rather than race, gender, or other personal characteristics.” (Krutz, 110)

# Civil Liberties in the Constitution

## Article I, Section 9

- No bills of attainder (imprisonment without trial)
- No ex post facto laws (retroactive punishment)
- No suspension of habeas corpus (neutral judge determines detention)

Constitutional protections not enough for Anti-Federalists

# Civil Liberties in the Bill of Rights

- Religion, speech, assembly, petition (I)
- Keep and bear arms (II)
- No housing of soldiers (III)
- Unreasonable search and seizure (IV)
- Criminal, due process, grand jury, testimony (V)
- Speedy trial by jury (VI)
- Jury trial in civil cases (VII)
- Excessive bail, fines, cruel and unusual (VIII)
- Rights retained by people (IX)
- Rights retained by states (X)

# The Fourteenth Amendment

- Black codes (13th Amend)
- Protection of liberties in states
- Due process
- Selective incorporation
- Ongoing (e.g., *McDonald v. Chicago*)





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Are liberties absolute? Should they be?

**Collaborate!**

**Liberties**

# Religion

## Establishment Clause

“Congress shall make no law respecting an establishment of religion...”

## Free Exercise Clause

“...or prohibiting the free exercise thereof...”

# Poll

**Are there compelling reasons for government to regulate religious practices?**

Yes

No

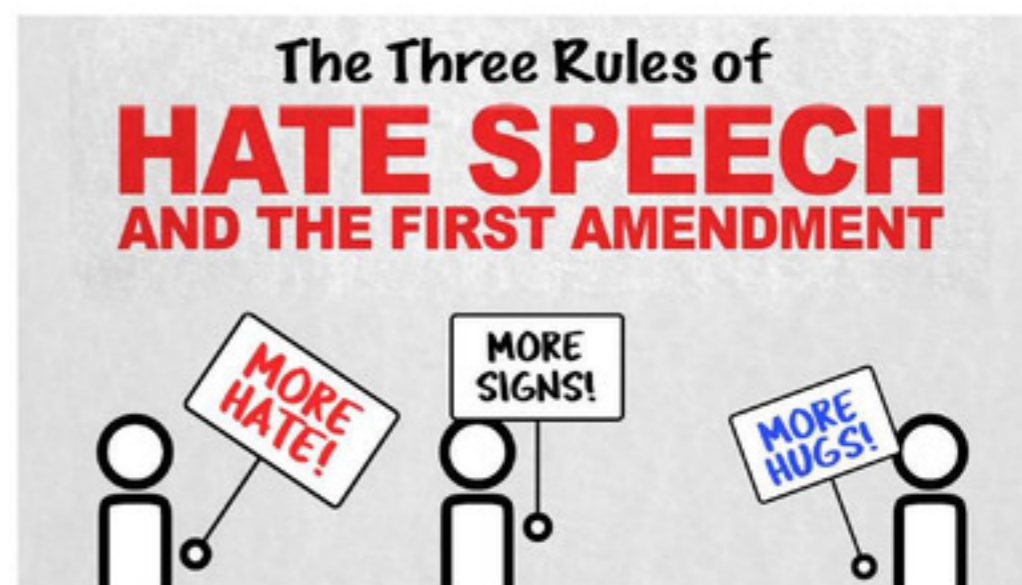
# Regulation of Religious Expression

What about in commerce?



# Why Are These Allowed?

Should they be?





[https://www.youtube.com/embed/Ea2ntXnCD\\_M](https://www.youtube.com/embed/Ea2ntXnCD_M)



When should speech not be allowed (or what types)?

**Collaborate!**

**Speech**



# When Should Speech Be Regulated?

Obscenity, fraud, child pornography, speech integral to illegal conduct, speech that incites imminent lawless action, speech that violates intellectual property law, true threats, and commercial speech such as advertising

# Balancing the Individual and Society

Privacy (sexual, abortion, communications, property)

- Data tracking, surveillance Post-9-11
- PATRIOT Act - curtailment of warrant requirements
- EZ Pass

How do we balance personal freedom and collective security?