



# The Courts, the Constitution, and the Bill of Rights: **Due Process**

© 2003 Constitutional Rights Foundation, Los Angeles, 2002.  
All rights reserved.

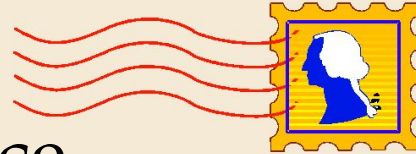
What if on tonight's news  
you learned that...

Several new laws have been  
passed. These laws give the  
police and the courts more  
power to find, catch, and  
prosecute people who might be  
criminals.



# The new laws say that ...

The police  
and post office  
employees may open  
and read any mail they  
think might be interesting.



Police and soldiers can enter and  
search homes and businesses  
whenever they want.



The new laws allow people to be  
searched...completely...if they look suspicious.

**From now on, Americans who look like they might be breaking the law will be treated as if they are guilty until they are proven innocent.**

**One judge will decide if a person is innocent or guilty. The decision will be final.**

**There will be no lawyers.  
There will be no jury.**



# How would you like these new laws?

Booo!



Hiss!

Yuck.

No need to worry. This could not happen today. All of these laws are now

**UNCONSTITUTIONAL!**

The United States Constitution and the Bill of Rights protect our individual rights and freedoms.



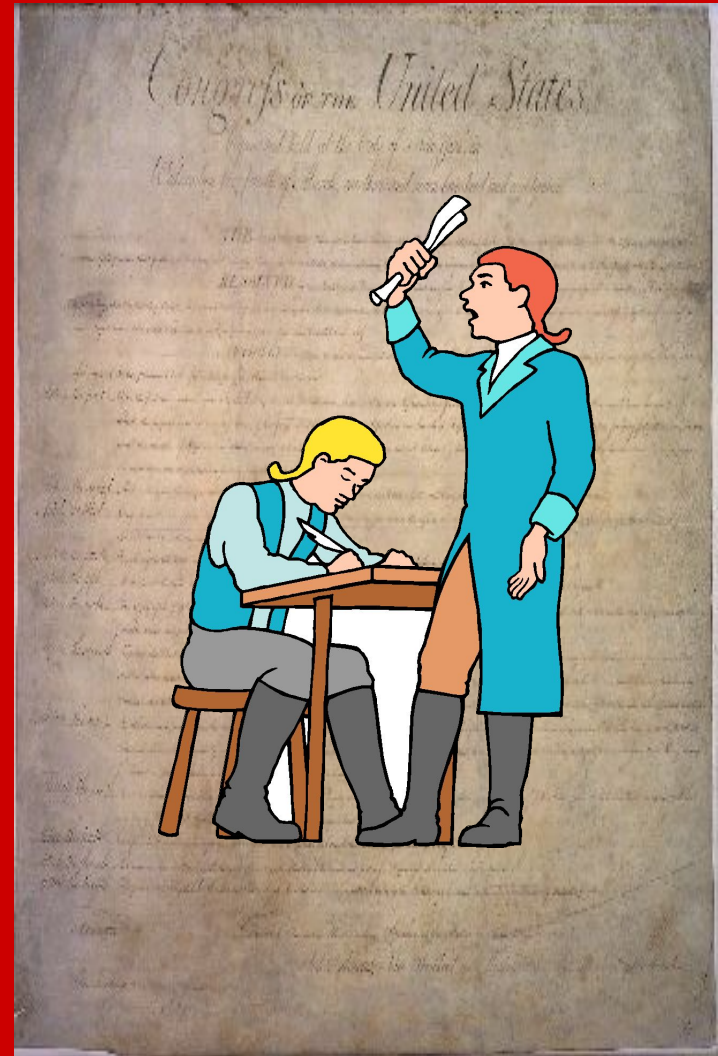
When the founders of our nation created the Constitution and the Bill of Rights, they wanted to try to make sure that people, even those accused of a crime, would be treated fairly.



They used ideas from English Common Law, like people are innocent until proven guilty.

To the Constitution, the founders added a Bill of Rights. This list of 10 amendments was created to make sure that individual rights and freedoms would be protected.

The Bill of Rights includes several amendments that protect citizens from unfair treatment by the government, including judges and police. These amendments ensure “due process.”





# 4th Amendment

Protects against unreasonable searches and seizures of...

persons,



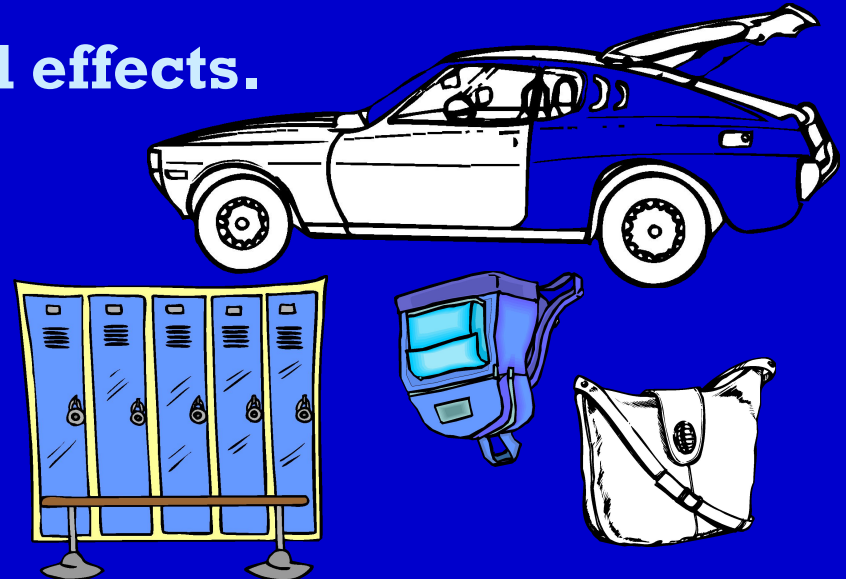
houses,



papers,



and effects.





The 5th and 6th Amendments protect the rights of the accused in court.

*5th Amendment*

**No double jeopardy.**

**Due process of law.**

**Just compensation.**

**Don't have to testify against yourself.**

# *6th Amendment*

**Speedy, public trial.**

**Impartial jury.**

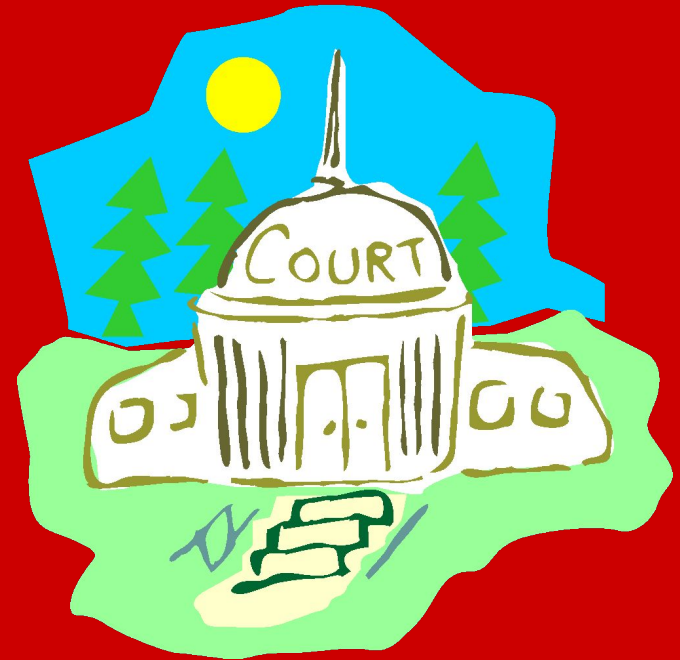
**Informed of accusation.**

**Right to an attorney.**

**Witnesses:**

**Confront those against you.**

**Have your own.**



## 8th Amendment

*No excessive bail or fines.*

*No cruel or unusual punishment.*



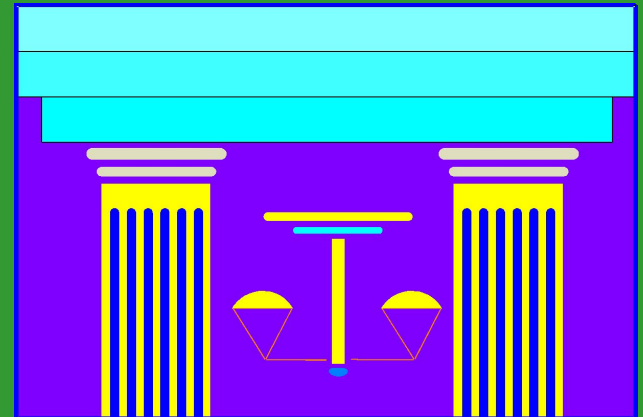
## 14th Amendment (1868)

States must...

Treat all people equally under the law.

Provide due process of law.

Protect the basic liberties spelled out in the U.S. Constitution.





The words of these  
amendments have not  
changed, but the way the  
courts interpret them has.  
Over the last 200 years our  
due process rights have  
become stronger.





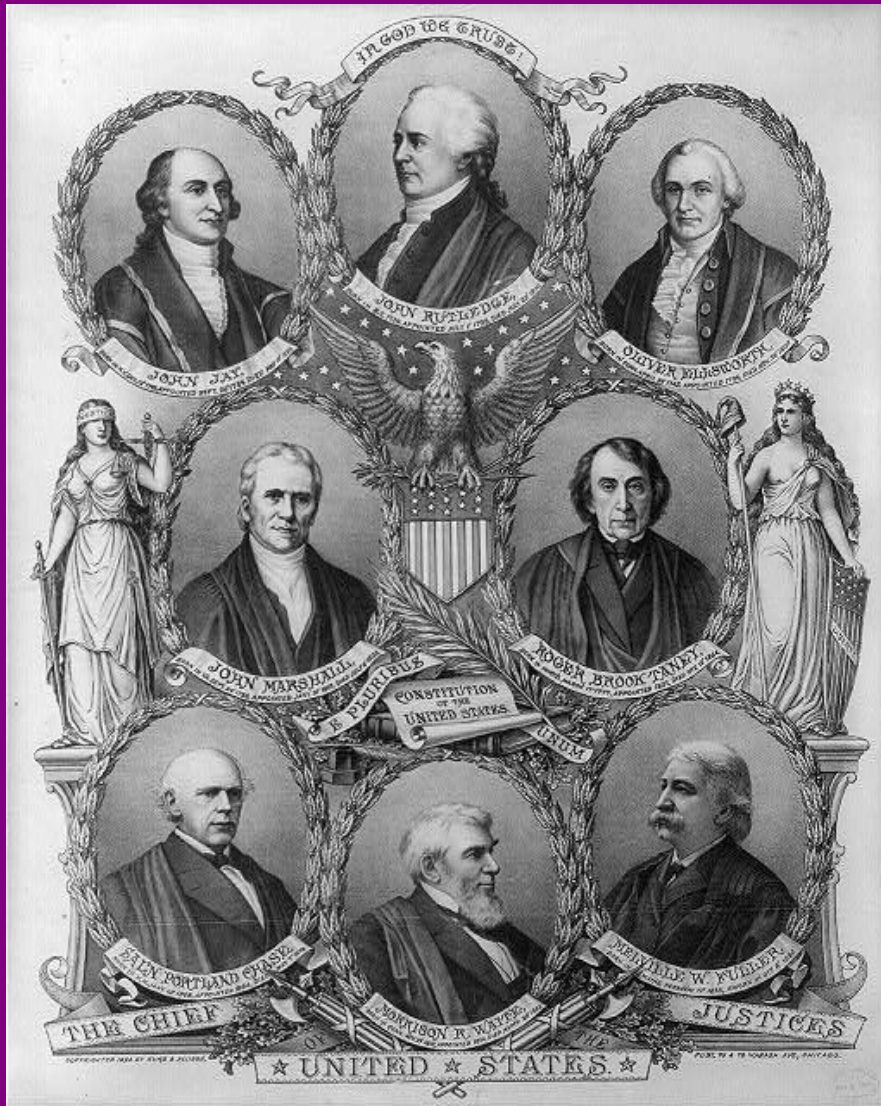
In the 1960s the courts made several rulings that expanded our due process protections. Before this time...

If the police searched your house without a warrant, you might be able to file a complaint and sue the police, but the evidence they found could still be used against you in court.

The police did not have to “read you your rights” before interrogating you.  
If you could not afford an attorney...

**too bad.**





The First Chief Justices

It is up to the courts to uphold the Constitution and the Bill of Rights.

Society changes over time, and so does the way judges interpret the law.

The courts look at a given case and decide whether someone accused of a crime received due process.

The United States Supreme Court is the highest court in the land. Its decisions cannot be appealed. Only the Supreme Court can overturn its own decisions.



You are going to become Supreme Court justices. You will hear and decide a case dealing with a due process issue.



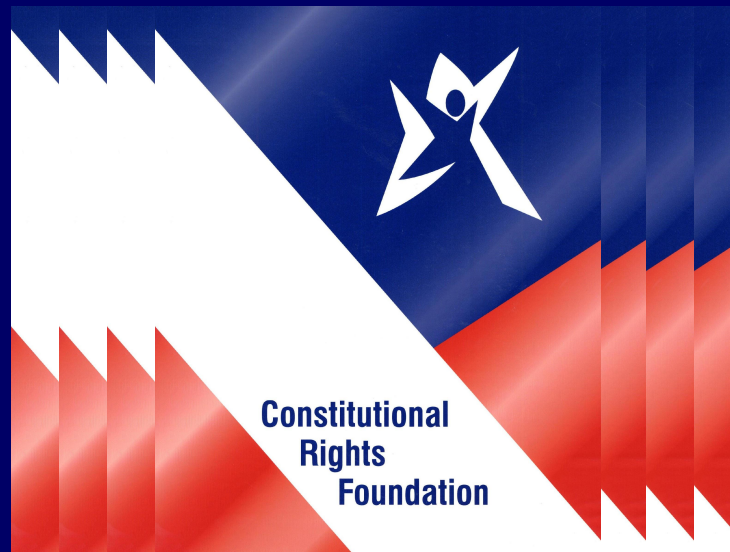
# The Courts, the Constitution, and the Bill of Rights: Due Process

Designed by Marshall Croddy

Written by Keri Doggett & Bill Hayes

Graphic Design and Production by Keri Doggett

Special thanks to John Kronstadt, member of CRF Board of Directors, for inspiration and input.



© 2003 Constitutional Rights Foundation, Los Angeles, 2002.

All rights reserved.