

4. The Fourteenth Amendment protects civil rights and civil liberties.

- (a) Describe the difference between civil rights ^{written} and civil liberties. ^{implied}
- (b) Identify the primary clause of the Fourteenth Amendment that is used to extend civil rights. ^{due process}
- (c) Describe a specific legislative action that extended civil rights to each of the following.
 - Women ^{equal pay act '62}
 - Persons with disabilities ^{'63}
- (d) Identify the primary clause of the Fourteenth Amendment that is used to extend civil liberties.
- (e) Explain how civil liberties were incorporated by the Supreme Court in two of the following cases.
 - *Gideon v. Wainwright* 6th
 - *Mapp v. Ohio* - 4th / 14th / exclusionary rule
 - *Miranda v. Arizona* - 5th / 14th / speedy trial

Civil rights mentioned in the Fourteenth Amendment are rights that have been written down and granted to individuals. Civil liberties are liberties that are implied by the constitution but are not written. The primary clause of the fourteenth amendment that is used to extend civil rights is the due process clause. The due process gives civil ^{rights} ~~liberties~~ to individuals and makes the fourteenth amendment apply to the states.

The civil right act of '64 ^(Title VII and IX) and the equal pay act of '62 have extended civil rights to women. This prohibited discrimination in public areas and work force, and also makes sure that women and men doing similar jobs are paid the same. The disability act of 1963 gave children ~~th~~ with disabilities the entitlement of an equal opportunity to learn and get an education. The civil right act ~~of~~ (title VII) prohibited discrimination against disability in public accommodations and the workforce. The clause we use to extend civil liberties is the elastic or necessary and proper clause.

In *Mapp v. Ohio*, ~~Mapp~~ police entered Mapp's home without a search warrant and obtained obscene materials in

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her possession that would be used in trial. The court struck down the conviction because the evidence had been obtained illegally. Her 1st, 4th, and 14th amendment were violated. This court case led to the exclusionary rule which excluded any evidence obtained illegally to be used in trial. It also incorporated the 4th into the 14th amendment making it apply to the states and civil liberties to individuals, protected under the 14th amendment.

In *Miranda v. Arizona*, Miranda was not told of his 5th amendment rights when he was arrested and not given an attorney when under question. The court struck this down and incorporated the 5th into the 14th amendment, making it apply to the states. This also guaranteed civil liberties of the individual by giving them a right to a speedy trial and to have their rights read to them ~~without~~ before being arrested such as the "right to remain silent any thing they say can and will be held against them in a court of law."

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