

# Amendments- Bill of Rights

# 1<sup>st</sup> Amendment

- Speech-
  - Government Regulation-
    - Civil Liberties are not unfettered-
- Assembly
- Association
- Press
- Religion

# Schenck v. United States

Restrictions on Free Speech



Karen Alonso

# Free Speech



## FREE SPEECH AREA

THIS AREA HAS BEEN SET ASIDE FOR MEMBERS WHO WISH TO EXPRESS THEIR CONSTITUTIONAL RIGHTS AND FREEDOM OF SPEECH RIGHTS. THE CITY OF ALABAMA DOES NOT DISCRIMINATE OR DISPARAGE ANY RELIGIOUS BELIEFS WHICH WOULD BE UNLAWFUL UNDER FEDERAL AND STATE CONSTITUTIONS OR CHALLENGE ANY OTHER FEDERAL OR STATE PARTICULAR RIGHT OR PROTECTED EXPRESSIONS. COMMENTS MAY BE ADDRESSED TO THE MEMBERS OF THE UNIVERSITY OF ALABAMA.



# Symbolic Speech

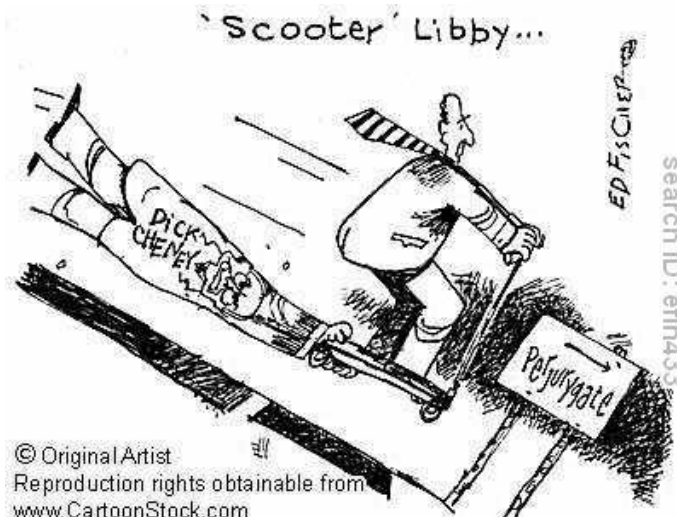
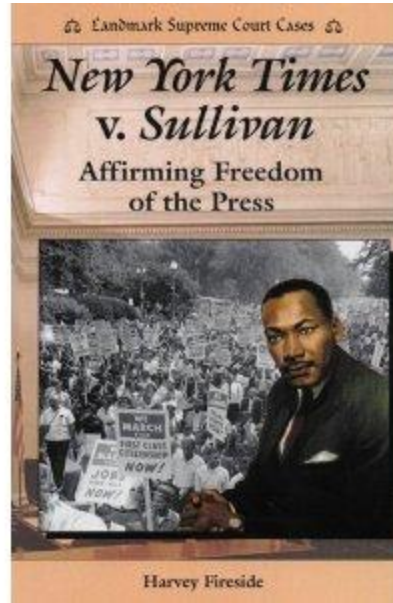


# Right to Assembly

- What Regulations are permissible



# Freedom of the Press



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# REGULATING RELIGION

THE COURTS  
AND THE  
FREE EXERCISE  
CLAUSE

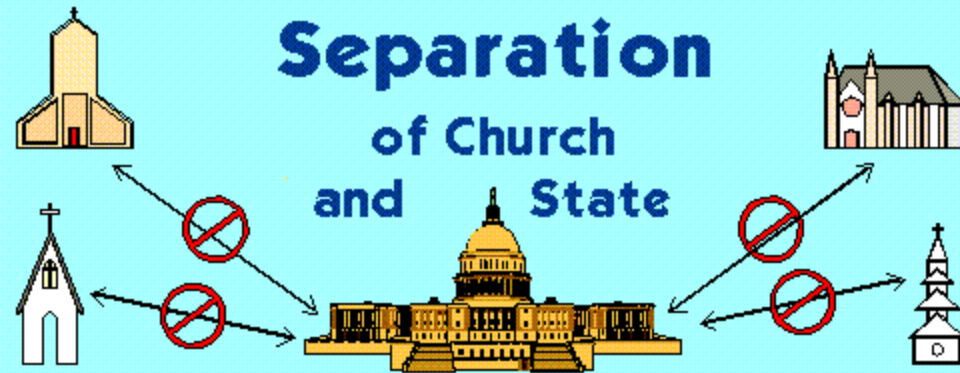
Catharine Cookson

# Freedom of Religion



1. Secular
2. Primary Effect Advance/Impair
3. ~~Excessive Entanglement~~

## Separation of Church and State



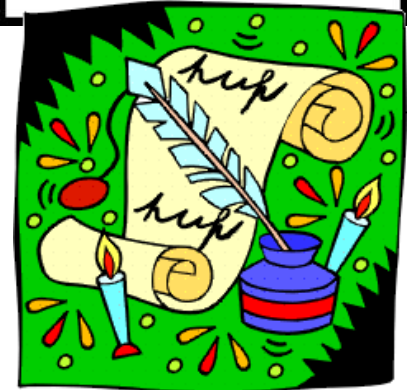
*The Constitutional Provision for Your Freedom of Belief*

Scientific? Literary? Political? Artistic?

# Obscenity?



**WARNING**  
**Artistic**  
**Expression**



Ladies and Gentlemen, have you ever seen anything as obscene as the defendant's mailings?

Never. Jury duty rocks!



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"You should see what they're getting up to round this side!"

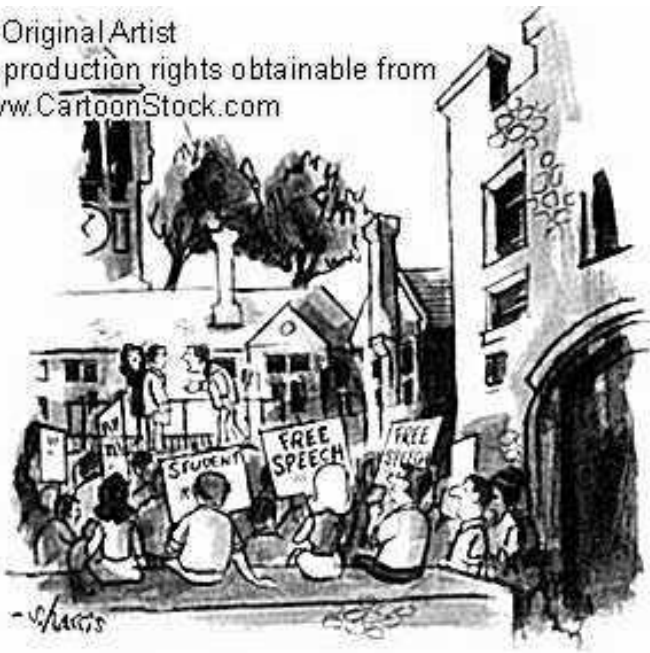
*I know it when I see it!*

# Students' Rights

Tinker v  
Des  
Moines



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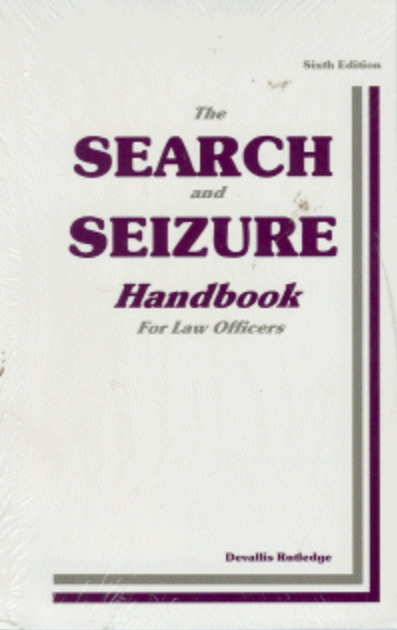
"IT TURNS OUT NOBODY HAS  
ANYTHING TO SAY."



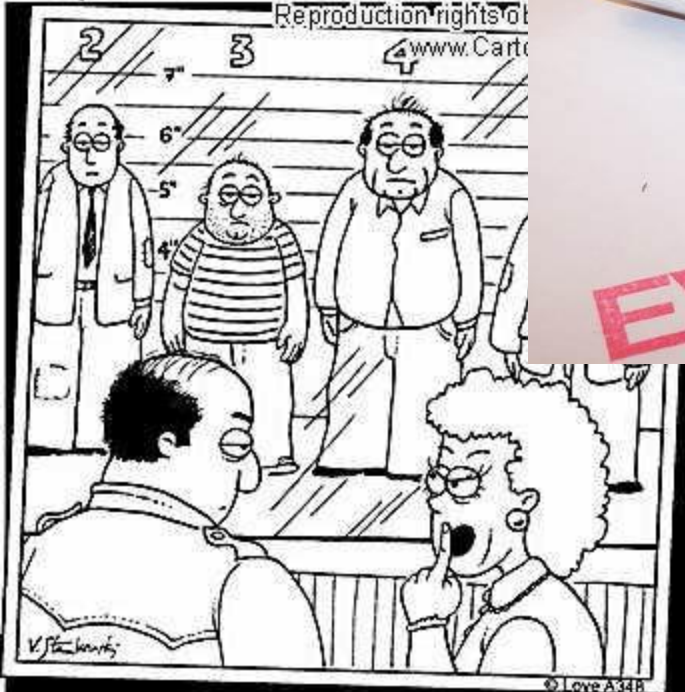
Morse v.  
Frederick



# 4<sup>th</sup> Amendment



Snapshots



"No, it's not number four either, but he *does* look like my ex-husband. Yeah, let's go with number four."



# Affidavit

Probable cause (substantial evidence) that location contains items connected with crime

may be based on

Hearsay information

Direct or first-hand observation by police officer

requires evidence of

Veracity (Is informant credible, believable?)

Basis of knowledge (Is information factual, reliable?)

NO

YES

YES

NO

Are deficiencies cured by corroborating police evidence?

YES

Search warrant okay if other requirements met

YES

Are deficiencies cured by corroborating police evidence?

NO

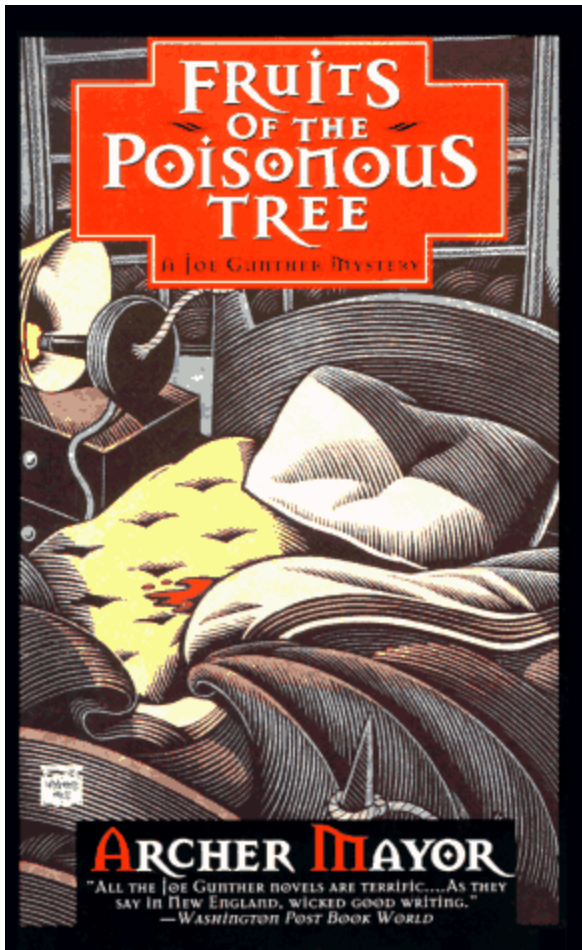
NO

No search warrant

# Exceptions

- Plain View
- Incident to an Arrest
- Car Stop- Provided not DWB! –must have cause to stop!
- Road blocks so long as random
- Exigent/Emergency
- If Police/Govt needs to take custody of property
- Students---depends on level of privacy expectation and ownership of property- ie. Student lockers?
- Drug Testing—yes- extracurricular events! (Safford v. Redding)

# Mapp v. Ohio and the Exclusionary Rule



Stu's Views

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CRIMINAL PROCEDURE

AN ANALYSIS OF CASES AND CONCEPTS

FOURTH EDITION

CHARLES H. WHITEBREAD

CHRISTOPHER SLOBOGIN


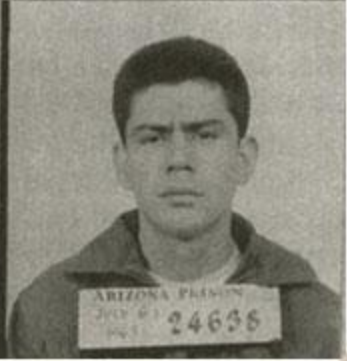
2006 SUPPLEMENT

UNIVERSITY TEXTBOOK SERIES FOUNDATION PRESS

# 5<sup>th</sup> Amendment



"...LOVE, HONOR, CHERISH TIL DEATH DO US PART? WAIT...  
AREN'T WE ENTITLED TO OUR MIRANDA RIGHTS?"

PERSON IDENTIFICATION NUMBER	RESIDENCE OF PERSON FINGERPRINTED WIFE: TWILA MIRANDA 157 E. COMMONWEALTH CHANDLER, ARIZONA
If wire reply or COLLECT telephone reply is desired, check appropriate box.	
<input type="checkbox"/> Telephone reply.	
Telephone number, _____	
	
ARIZONA PRISON JULY 67 24636	



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Holding a Criminal Term  
Grand Jury Sworn in on April 29, 2005

UNITED STATES OF AMERICA	)	Criminal No.
	)	
	)	GRAND JURY ORIGINAL
	)	
	)	Counts 1 and 4; Obstruction
	)	18, U.S.C. § § 1505, 2
v.	)	
	)	
	)	Counts 2, 3, and 5: False
	)	Statements, 18 U.S.C. § 1001
DAVID HOSSEIN SAFAVIAN	)	

**INDICTMENT**

THE GRAND JURY CHARGES:

Unless specified otherwise, at all times relevant to this Indictment:

**Background**

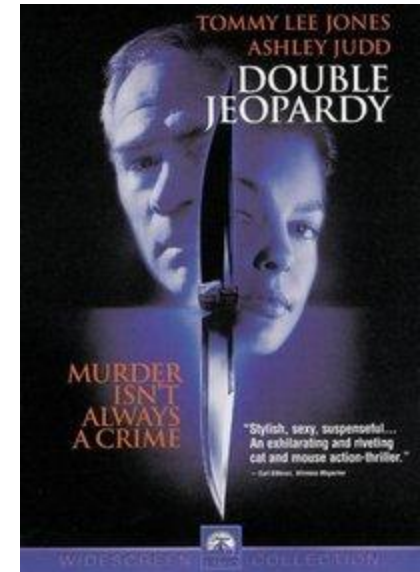
1. From on or about May 16, 2002 to in or about January 2004, defendant **DAVID HOSSEIN SAFAVIAN** was the Chief of Staff for the Administrator of the General Services Administration ("GSA"). The GSA Administrator is the highest ranking official in the GSA. From in or about November 2004 to September 2005, defendant **SAFAVIAN** served as the Administrator of the Office of Federal Procurement Policy, Office of Management and Budget, Executive Office of the President. Defendant **SAFAVIAN** was an attorney admitted in Michigan, Missouri, and the District of Columbia.

2. "Lobbyist A" was a Washington D.C. lobbyist whose clients included Native

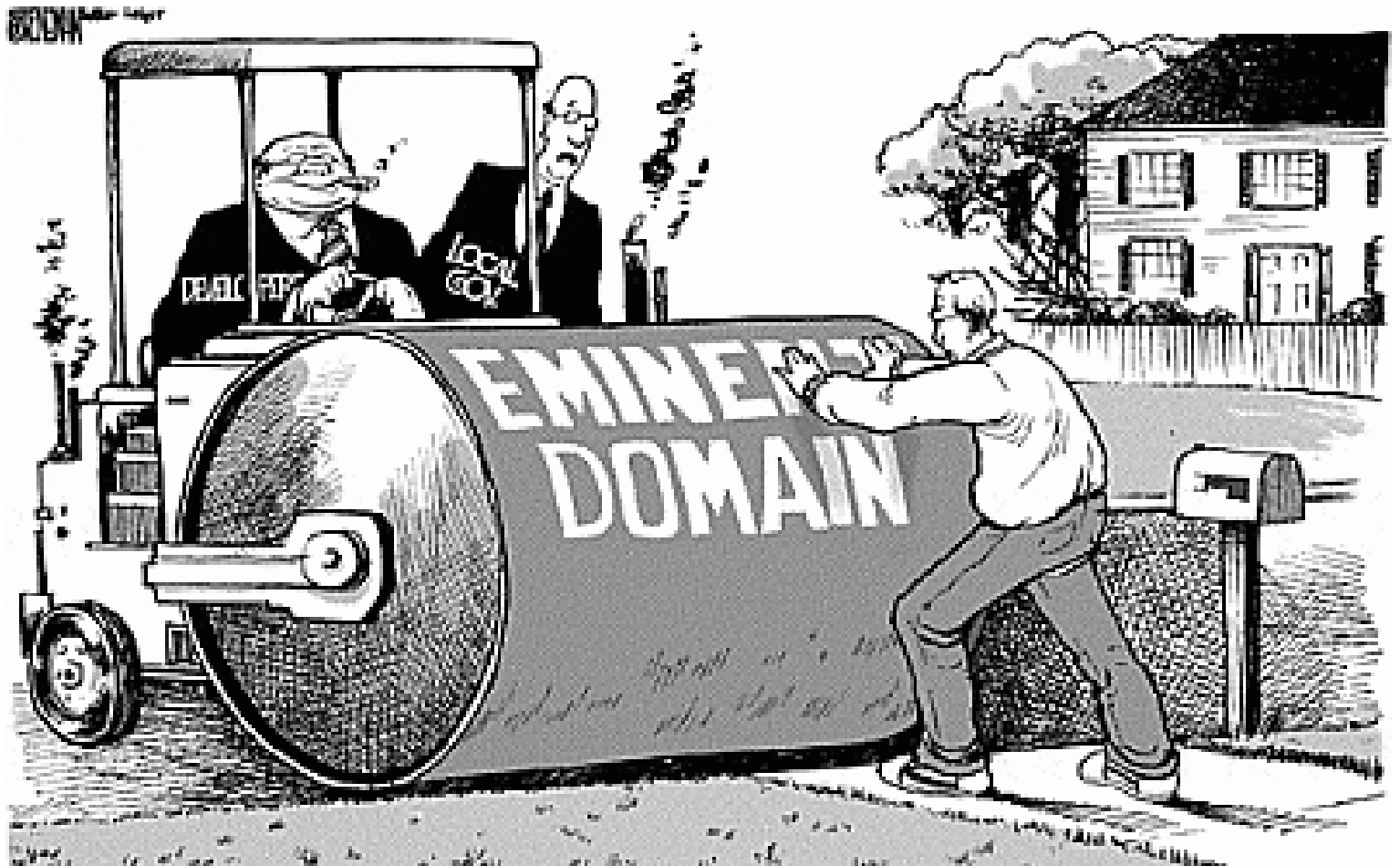
# What is to “Not be tried 2x for the same crime”

- The question is “Double Jeopardy”

Dual Jurisdiction??

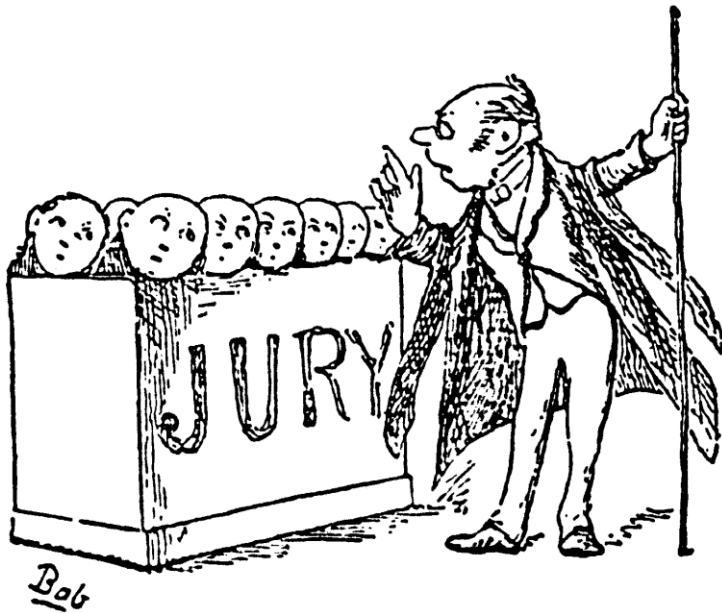


Civil v.  
Criminal???



"REST ASSURED, YOUR PROPERTY WILL BE USED FOR PROJECTS VITAL TO THE PUBLIC INTEREST. ESPECIALLY THE PUBLIC INTERESTED IN A NEW MINI-MALL."

# 6<sup>th</sup> Amendment

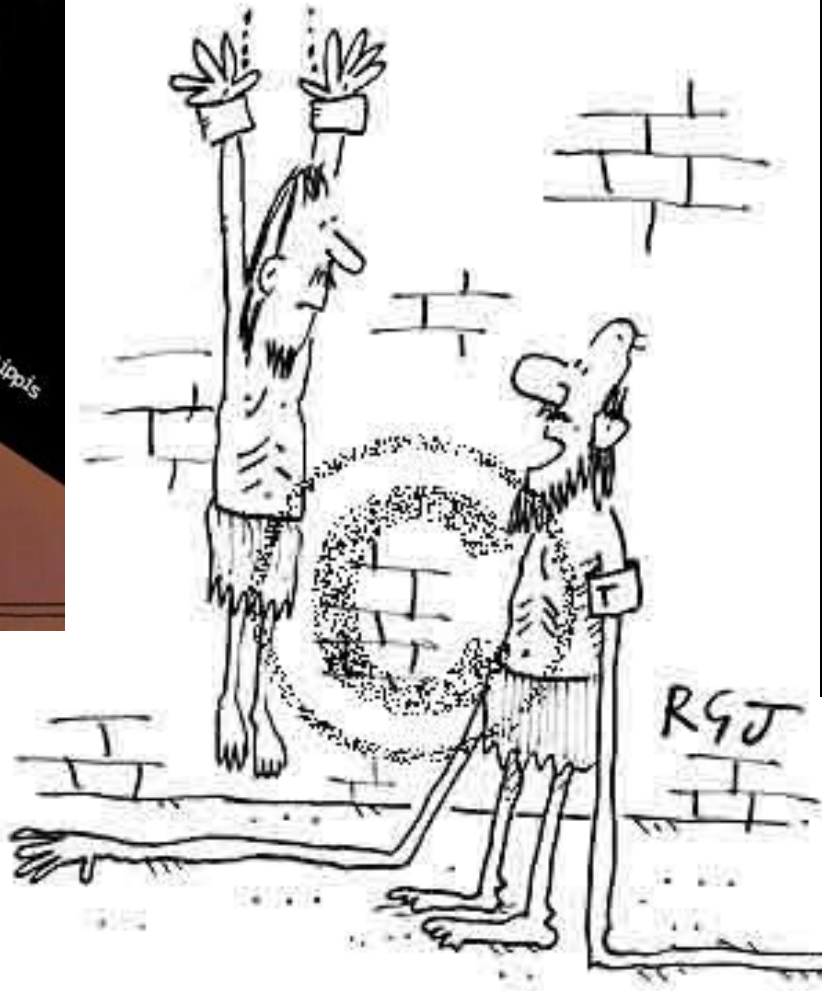


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*"You can't reject my manuscript without due process!"*

# 8<sup>th</sup> Amendment



"Oh, I was in here for years before they made me a trusty."

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## A FREE BIRD

## BAIL BONDS

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Free Bond Consultation  
Any Court • Any Amount

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VISA  
MasterCard  
Notary Public

 Troy Nasley, CEO	 Koy Pitts	 John Ricks
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★ 339 EAST BAY STREET ★  
Across from Courthouse 1/2 Block from Jail



# Right to Privacy



SUPREME COURT 'SWING VOTE'...

# 14<sup>th</sup> Amendment

Selective Incorporation

Equal Protection

Due Process