Chapter Summary

Citizens And The Law

Lesson 1 Sources and Types of Law

- Laws should be fair, reasonable, understandable, and enforceable.
- Laws have existed for thousands of years. The Code of Hammurabi (about 1760 B.C.) is the earliest example of a written code of law.
- Roman laws were published in 450 B.C. and spread to parts of Europe, Africa, and Asia.
- In the 1800s, many places, including the state of Louisiana, based their laws on the Napoleonic Code.
- English common law, a system based on court decisions, is the most important influence on the American legal system.
- Criminal law seeks to protect public safety, and civil law concerns disputes between individuals. Military law applies to those serving in the armed forces and civilians who work for the military.
- Sources of law include the U.S. Constitution, state constitutions, statutes, case law, and administrative agencies.
- Case law is established by a judge's decision. Administrative law is the rules and regulations made by state and federal agencies, such as the FAA.

Lesson 2 The American Legal System

- Article I of the Constitution requires prison officials to bring prisoners before a judge to determine whether imprisonment is justified (writ of habeas corpus).
- Article I prohibits punishing an accused without a fair trial (bill of attainder) and enacting laws that punish people retroactively (ex post facto laws).
- The Fourteenth Amendment guarantees all citizens equal protection of the law regardless of gender, race, or religion. It also prohibits the government from taking life, liberty, or property without due process of law.
- The Fourth Amendment requires that law enforcement officials show probable cause and get a court order (search warrant) before searching a citizen's property.
Lesson 2 *The American Legal System, Cont.*

- The Fifth Amendment protects an accused from testifying against himself or herself. It also protects against double jeopardy and entitles people accused of serious crimes to a grand jury hearing.

- In *Miranda v. Arizona*, the Supreme Court ruled that police officers must inform an accused of his or her rights before questioning.

- Under the Sixth Amendment, an accused person is entitled to a lawyer and to a speedy and public trial.

- The Eighth Amendment prohibits "cruel and unusual punishment."
Resumen del capítulo
Los ciudadanos y la ley

Lección 1 Fuentes y tipos de leyes

- Las leyes deben ser justas, razonables, comprensibles y ejecutables.
- Las leyes han existido durante miles de años. El Código de Hammurabi (alrededor del 1760 a.C.) es el ejemplo más antiguo de un código legal escrito.
- Las leyes romanas se publicaron en el 450 a.C. y se difundieron a regiones de Europa, África y Asia.
- En el siglo XIX muchos lugares, entre ellos el estado de Luisiana, basaban sus leyes en el Código Napoleónico.
- El derecho consuetudinario inglés, un sistema basado en decisiones judiciales, es el de mayor influencia en el sistema legal estadounidense.
- El derecho penal busca proteger la seguridad pública y el derecho civil se ocupa de las disputas entre individuos. El derecho castrense se aplica a quienes integran las fuerzas armadas y a los civiles que trabajan para el ejército.
- Algunas fuentes de leyes son la Constitución de Estados Unidos, las constituciones estatales, la jurisprudencia y las agencias administrativas.
- La jurisprudencia la establece una decisión de un juez. El derecho administrativo reúne las normas y regulaciones establecidas por las agencias estatales y federales, como la FAA.

Lección 2 El sistema legal estadounidense

- El artículo I de la Constitución exige que los oficiales de las prisiones lleven a los prisioneros ante un juez para que este determine si se justifica su detención (auto de hábeas corpus).
- El artículo I prohíbe castigar a un acusado sin un juicio justo (ley de extinción de derechos civiles) y promulgar leyes que impongan penas retroactivas a las personas (leyes ex post facto).
- La Decimocuarta Enmienda garantiza a todos los ciudadanos igualdad ante la ley sin distingo de sexo, raza o religión. Así mismo, prohíbe al gobierno privar de la vida, la libertad o la propiedad sin el debido proceso legal.

(Continued on page 2)
Resumen del capítulo

Los ciudadanos y la ley

- La Cuarta Enmienda exige que los funcionarios encargados de hacer cumplir la ley demuestren que hay una causa probable y consigan una orden judicial (orden de cateo) antes de registrar las propiedades de un ciudadano.

- La Quinta Enmienda protege a los acusados para que no declaren contra sí mismos. De igual manera, protege contra el doble enjuiciamiento y confiere a los acusados de delitos graves el derecho a que los escuche un gran jurado.

- En el caso *Miranda contra Arizona*, la Corte Suprema sentenció que los oficiales de policía deben informarle sus derechos a un acusado antes de interrogarlo.

- Según la Sexta Enmienda, un acusado tiene derecho a un abogado y a un juicio rápido y público.

- La Octava Enmienda prohíbe las “penas crueles e inusuales”.
**A. Content Vocabulary**

**Directions:** Select the vocabulary term that best matches the situation or the definition.

- administrative law
- common law
- due process
- lawsuit
- search warrant
- bail
- constitutional law
- exclusionary rule
- Miranda Warning
- statute
- bill of attainder
- double jeopardy
- ex post facto law
- precedent
- writ of habeas corpus

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1. A law written by a legislature

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2. A police officer is arresting Bill for trespassing. The officer says, "You have the right to remain silent."

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3. Police Officer Rodriguez has reason to believe that Suzie Miller stole a valuable painting from the museum and hid it in her house. He goes to the court to ask for permission to search Miller's house.

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4. A court order that requires police to bring a prisoner to court to explain why the person is being held
Vocabulary Builder Activity

Citizens and the Law

A. Content Vocabulary, Cont.

5. Harry Reason is in jail. His trial will be held in two weeks. His brother Steve pays a sum of money to the court. "Now I can get out of here!" thinks Harry.

6. The Food and Drug Administration orders drug companies to stop selling a medication that has been proven to be unsafe.

7. A branch of law dealing with the formation, construction, and interpretation of constitutions.

8. Cindy Freegal heard the jury say "not guilty" and she rejoiced. Now they could never try her again for this crime.

9. A new state law makes it illegal to drive over 60 miles per hour on Highway 86. An officer stops Harold on the highway. "I was going 60!" says Harold. "Yes," says the officer, "but last month, I saw you going 70."

10. A system of laws based on custom and the decisions of judges in earlier, similar cases

11. Judge Blair bases her decision on the ruling in a similar court case that was tried ten years earlier
A. Content Vocabulary, Cont.

12. A law that punishes a person accused of a crime without a trial or a fair hearing in court; Article I of the Constitution forbids such laws.

13. A rule that states that evidence gained by police in a way that violates the Fourth Amendment may not be used in a trial.

14. Carol is suing Marty’s Seafood Restaurant because she slipped on their wet floor and injured her back.

15. Following established legal procedures.
Directions: Match the academic vocabulary word to its definition.

1. proportion
2. potential
3. presumption
4. code

A. an attitude or belief based on likelihood
B. relation of one part to another
C. an organized statement of a body of law
D. capable of being or becoming
C. Combined Vocabulary Reinforcement

**Directions:** Select five terms from the content and academic vocabulary terms listed below. Write a sentence for each term that shows you understand the term’s meaning.

<table>
<thead>
<tr>
<th>case law</th>
<th>code</th>
<th>constitutional law</th>
</tr>
</thead>
<tbody>
<tr>
<td>due process</td>
<td>ex post facto law</td>
<td>potential</td>
</tr>
<tr>
<td>presumption</td>
<td>proportion</td>
<td>search warrant</td>
</tr>
<tr>
<td>statute</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. ____________________________
   ____________________________

2. ____________________________
   ____________________________

3. ____________________________
   ____________________________

4. ____________________________
   ____________________________

5. ____________________________
   ____________________________
Guided Reading
Citizens and the Law

Lesson 1 Sources and Types of Laws

ESSENTIAL QUESTION
• How do laws protect individual rights?

Why We Have Laws

1. **Identifying** As you read, complete the diagram to show how laws help people in a society get along with each other.

<table>
<thead>
<tr>
<th>Cause/Problem</th>
<th>Effect/How Laws Help</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical injuries caused by sports, food, auto accidents</td>
<td></td>
</tr>
<tr>
<td>Disagreements over money, property, contracts</td>
<td></td>
</tr>
<tr>
<td>Some people engage in criminal acts</td>
<td></td>
</tr>
</tbody>
</table>
2. **Explaining** As you read, fill in the chart by using the first column to list the shared characteristics of good laws. Use the second column to expand on those characteristics.

<table>
<thead>
<tr>
<th>Good Laws</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Characteristics</td>
<td>Explanation</td>
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3. **Sequencing** As you read, complete the graphic organizer to show early legal systems that influenced our own legal system.

Earliest \[\rightarrow\] [ ] \[\rightarrow\] [ ] \[\rightarrow\] [ ] \[\rightarrow\] Most Recent
Guided Reading
Citizens And The Law

4. **Describing** As you read, use the chart to take notes on the features of English common law.

<table>
<thead>
<tr>
<th>English Common Law</th>
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<tr>
<td>• most important source of ___________________________</td>
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<tr>
<td>• based on ________________</td>
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<td>• developed after ________________</td>
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</tbody>
</table>
Guided Reading

Citizens and the Law

Types of Laws

5. **Defining** Three basic types of laws exist in the American legal system. Use the graphic organizer to name the types of laws and give each a brief definition.

   ![Types of Laws Diagram]

   **Type:**
   
   **Purpose:**

   **Type:**
   
   **Purpose:**

   **Type:**
   
   **Purpose:**

6. **Contrasting** Explain how criminal laws are graded, and name a crime that is an example of each type. Then give two examples of crimes against civil laws. Explain how the types of laws differ.

   Criminal laws are graded as __________, which are serious crimes such as __________, and __________, which are less serious crimes, such as __________.

   Examples of crimes against civil laws are __________ and __________.

   The difference between criminal laws and civil laws is that __________.
7. Military law applies to _____________ and to civilians who _____________. People accused of a serious offense may end up at a ______________.

8. **Noting Details** As you read, complete the chart by listing the sources of law. Give one detail about each source of law.

<table>
<thead>
<tr>
<th>Sources of Laws</th>
<th>Details</th>
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Lesson 2  *The American Legal System*

**ESSENTIAL QUESTION**
- *How do laws protect individual rights?*

**Basic Legal Rights**

1. **Defining** As you read, complete the chart by defining the constitutional protections against unlawful imprisonment.

<table>
<thead>
<tr>
<th>Constitutional Protections Against Unlawful Imprisonment</th>
<th></th>
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</thead>
<tbody>
<tr>
<td><strong>What they relate to . . .</strong></td>
<td><strong>What they do . . .</strong></td>
</tr>
<tr>
<td>Writ of habeas corpus</td>
<td></td>
</tr>
<tr>
<td>Bill of attainder</td>
<td></td>
</tr>
<tr>
<td>Ex post facto law</td>
<td></td>
</tr>
</tbody>
</table>
Guided Reading
Citizens and the Law

2. **Identifying** The Constitution spells out ways the
government must protect the rights of individuals even as
it enforces other laws. As you read, complete the graphic
organizer to show how the Constitution guides the
administration of justice with the Fourteenth and Fifth
Amendments.

![Diagram of Fourteenth Amendment and Fifth Amendment]

**The Rights of the Accused**

3. **Inferring** Explain the meaning of *presumption of innocence*. Why is the principle of presumption of innocence important in guaranteeing the rights of the accused?

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4. **Summarizing** As you read, complete the flowchart to show how the Fourth Amendment protects individual rights.

**Fourth Amendment**

Protects against "unreasonable __________________." 

Law officers must get a ______ ______ ______ to look for evidence of a crime in someone's home.

If police find evidence of a crime through an illegal search, that evidence may not be used in court under the ______ ______ ______ rule.

5. **Identifying** The Fifth Amendment protects individuals against self-incrimination. As you read, complete the web diagram by adding information about the Miranda warnings supported by the Fifth Amendment.

**Miranda warnings inform suspects that . . .**

[Diagram of web with Miranda warnings as central point and four points extending outward with ellipses for additional information.]

[Diagram and text continue with additional details about Miranda warnings.]
6. **Listing** As you read, complete the chart by listing the individual rights protected under the Sixth Amendment.

<table>
<thead>
<tr>
<th>The Sixth Amendment grants the accused the right to . . .</th>
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<tbody>
<tr>
<td>1.</td>
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<tr>
<td>2.</td>
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<td>5.</td>
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</table>

7. **Analyzing** The Eighth Amendment prohibits “cruel and unusual punishments.” What does that mean? In your answer, provide examples of what might be considered cruel and unusual punishment.

______________________________________________________________________________
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