

# WHY WE HAVE LAWS

## PRIVATE PROPERTY RIGHTS

- Owning your own property (homes/businesses) gives incentive to maintain or expand
- Rights need to be protected for people to want to invest
- Balancing individual rights with common good: as people invest in their property, the economy grows which makes the standard of living better

## IF YOU ARE ACCUSED OF A CRIME

- Know your rights!
  - Individual Responsibility to Know Rights and Law- keep yourself informed
  - Ignorance of Law is not a defense- You will get in trouble even if you don't know you broke the law (some politicians are immune)

## Rights in Bill of Rights

Designed to protect against abuse of government – Due Process

Protection of Rights by Laws – Amendments 4, 5, 6, 8, 14

Types of Rights: Scope and Limits to a Right

Civil, Individual, Personal, Political, Economic.

Miranda Rights – *Miranda v Arizona*, explains your rights when you get arrested. If they are not read to you, you can still get arrested, they just can't use the information against you in court.

## PROTECTION AND LIMIT OF GOVERNMENT

- Adversarial nature of the courts: They are opposing each other and each side is trying to win. Think sports teams.

## DUE PROCESS:

- Habeas Corpus: right to be seen by a judge
- Presumption of innocence: In criminal trials the burden of proof is on the prosecution, “innocent until proven guilty”
- Impartial Tribunal: Right to a trial by jury of your peers

## DUE PROCESS

- Right to Counsel: You have a right to an attorney (lawyer) even if you can't afford one
- Right against Self-Incrimination: You don't have to say anything that can get you in trouble
- Protection against Double Jeopardy: If found innocent can't be tried again for that crime
- Right of Appeal: If found guilty you can request a higher court to hear your case again

## SUPREME COURT DECISIONS

- Due Process:
- Symbolic Speech:
- Establishment Clause:
- Supremacy Clause:
- Equal Protection:
- Judicial Review:
- Federalism:
- Miranda v Arizona
- Texas v Johnson, Tinker v Des Moines
- Engle v Vitale
- Gibbons v Ogden
- Brown v Board
- Marbury v Madison
- McCulloch v Maryland