Civil Liberties:

Definition: - Absolute freedoms and guarantees designed to prevent govt. tyranny against the people.

- Civil liberties provide a “wall of separation” between Govt. and the people
- Civil liberties are laws that enable govt. to limit its own power and keep itself from imposing its power excessively on the people
- Civil liberties protect the masses’ ability of political expression, privacy and legal due-process
- Civil liberties are different from civil RIGHTS; civil rights prevent BOTH govt. AND PRIVATE institutions from discrimination from individuals with regard to access and opportunity on the basis of what they are (race, ethnicity, natl. origin, religion, gender, age, etc.)
- Civil liberties allow you to conduct certain actions based on how you THINK and feel without govt. abuse; civil rights allow you certain opportunities from both govt. and private discrimination based on who/what you are.
- Constitutional basis of civil liberties: The Bill of Rights; the first ten amendments
  - Right of Due-Process> Fourth Amendment: Guarantee against unreasonable search & seizure, Fifth Amendment: Right against double-jeopardy & self-incrimination, Sixth Amendment: Right to legal counsel, fair, public & speedy trial,
  - Right of Privacy> A combination of 1st, 3rd, 4th, 6th and 9th amendments that protect privacy against Govt. intervention (as ruled in Griswold v. Connecticut – 1965)
- For most of the 19th century and much of the 20th century, the Bill of Rights applied to only the FEDERAL govt., given that the Bill of Rights were part of the FEDERAL constitution
- State and local govt.s did not comply with these constitutional civil liberties- the logic was that that states were sovereign from the federal govt. and, thus, were under no requirement to follow and abide by federal bill of rights
- This logic was reversed by way of SELECTIVE INCORPORATION; The process of gradually applying the Bill of Rights onto the states by way of a series of different Supreme Court rulings conducted over the years
  - Each different Supreme Court case required that a different Constitutional amendment by applied to the states
  - The 14th Amendment served as the Constitutional argument in requiring the states to abide by the Bill of Rights. Why?