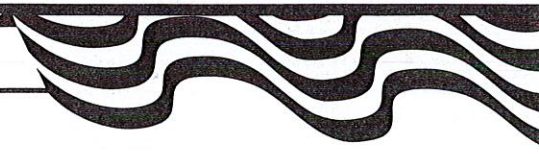




**Guided Reading Activity 15-1**



**The Sources of Our Laws**



**Reading Tip**

Read the paragraphs under each boldface heading in your textbook to get an idea of what this section is about. Then go back and read the entire section.

**DIRECTIONS:** Write an answer to each question below in the space provided.

**1. Evaluating** What did John Adams mean when he wrote that the state should have "a government of laws, not of men?"

\_\_\_\_\_  
\_\_\_\_\_

**2. Concluding** What are the purposes of laws?

\_\_\_\_\_  
\_\_\_\_\_

**3. Concluding** Why was the Code of Hammurabi an important development?

\_\_\_\_\_  
\_\_\_\_\_

**4. Identifying** What system of laws became the basis of the law for the Byzantine Empire?

\_\_\_\_\_  
\_\_\_\_\_

**5. Defining** What is common law?

\_\_\_\_\_  
\_\_\_\_\_

**6. Explaining** How are precedents related to common law?

\_\_\_\_\_  
\_\_\_\_\_

**7. Defining** What are statutes?

\_\_\_\_\_  
\_\_\_\_\_

**SECTION 15-1**

\*\*\*\*\*  
**Guided Reading Activity 15-2**



**Types of Laws**



**Reading Tip**

Sometimes you need to make inferences to understand what you are reading. An inference is an educated guess about what the passage is implying or suggesting. Make inferences only after looking for clues in the text.

**DIRECTIONS:** Write an answer to each question below in the space provided.

1. **Summarizing** Explain the adversary system of justice. What are the arguments for and against this type of system?

---

---

2. **Comparing** What is the difference between a felony and a misdemeanor?

---

---

3. **Analyzing** How would you describe a defendant in a criminal case? How would you describe a defendant in a civil case?

---

---

4. **Defining** What are torts?

---

---

5. **Comparing** What is the difference between administrative law and statutory law?

---

---

6. **Explaining** What court hears international law cases? How is it different from other courts?

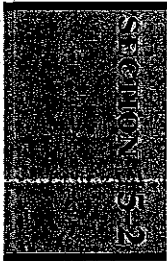
---

---

7. **Identifying** What is an example of a case involving international law?

---

---



\*\*\*\*\*  
**Guided Reading Activity 15-3**



**The American Legal System**



**Reading Tip**

As you read, think about how what you are reading applies to you and your own life. In what types of situations might the information in this section be helpful to you?

**DIRECTIONS:** Write an answer to each question below in the space provided.

1. **Identifying** U.S. courts base their rulings on the principle of stare decisis. What does this mean?

\_\_\_\_\_  
\_\_\_\_\_

2. **Inferring** Why is the writ of habeas corpus an important right?

\_\_\_\_\_  
\_\_\_\_\_

3. **Listing** What two laws does Article I of the U.S. Constitution forbid? Explain those laws.

\_\_\_\_\_  
\_\_\_\_\_

4. **Explaining** If someone argues that he was not given due process of law, what does he mean?

\_\_\_\_\_

5. **Identifying** What must the police show in order for a judge to issue a search warrant?

\_\_\_\_\_

6. **Concluding** Why must police be aware of the exclusionary rule when investigating crimes?

\_\_\_\_\_

7. **Evaluating** Why was the ruling in *Gideon v. Wainwright* important?

\_\_\_\_\_

8. **Summarizing** What are the legal responsibilities of Americans?

\_\_\_\_\_  
\_\_\_\_\_

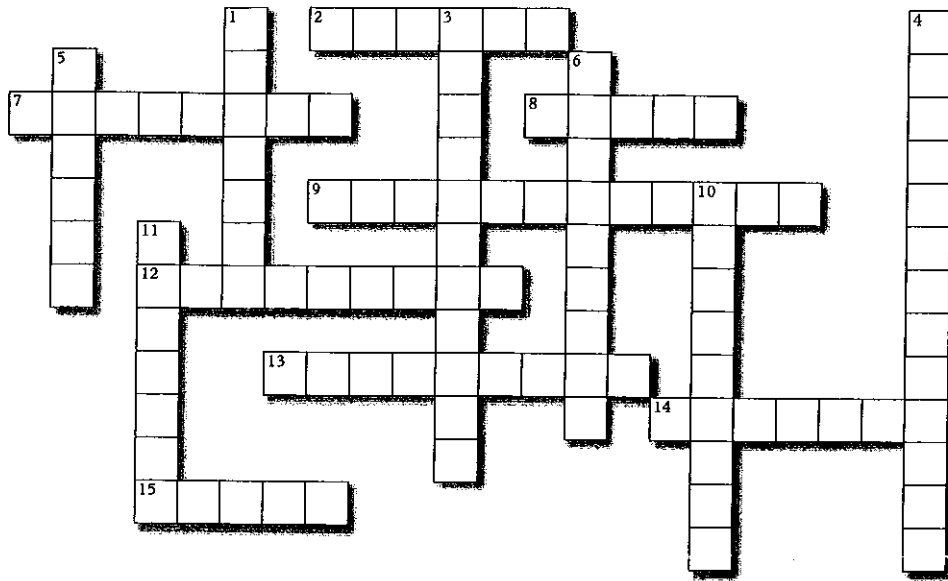
**WORD BANK**

- |               |             |
|---------------|-------------|
| Attainder     | Lawsuit     |
| Common        | Misdemeanor |
| Defendant     | Plaintiff   |
| Felony        | Precedent   |
| Grand         | Statue      |
| Habeas corpus | Torts       |
| Jeopardy      | Warrant     |
| Jurisprudence |             |

# Vocabulary Activity 15

## Legal Rights and Responsibilities

**DIRECTIONS:** Complete the crossword puzzle by writing the terms called for in the clues below.



**ACROSS**

- 2 English system of \_\_\_\_\_ law based on court decisions rather than legal code
- 7 double \_\_\_\_\_ prevents trying someone twice for the same crime
- 8 a \_\_\_\_\_ jury decides whether someone accused of a 'serious federal crime should be tried
- 9 a writ of \_\_\_\_\_ requires the police to bring a prisoner to court
- 12 law that punishes a person accused of a crime without a trial or fair hearing in court is a bill of \_\_\_\_\_
- 13 party being tried or sued in court
- 14 law enacted by the legislative branch of government
- 15 disputes involving civil wrongs such as negligence

**DOWN**

- 1 a search \_\_\_\_\_ must be obtained before police search places and seize objects
- 3 class of less serious crimes punished by a fine or less than a year of jail time
- 4 Latin word for the science of law
- 5 class of crimes that involve serious consequences and over one year of jail time
- 6 opinion from earlier cases that became part of common law, providing the basis for later decisions
- 10 party that sues another person in court
- 11 legal action in which a person or group sues to collect damages for some harm done

## Reaching Activity 15

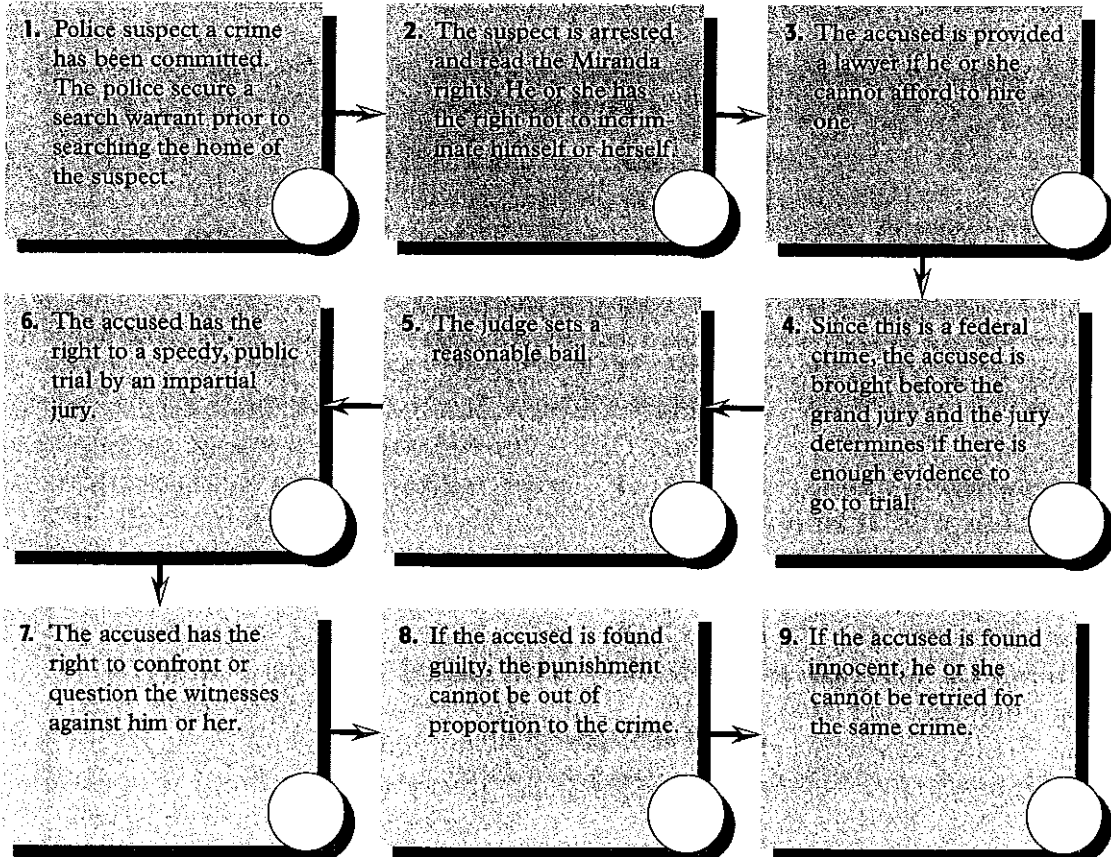


### Legal Rights and Responsibilities

Laws are sets of rules that allow people to live peacefully in society. Laws in the United States can be traced back to the early laws of the Code of Hammurabi, the Code of Justinian, and English common law. The Constitution provides many legal protections in Article I and the Bill of Rights. Many of these rights protect the accused to ensure they are treated fairly and given a chance to defend themselves.

**DIRECTIONS: Completing a Flowchart** Below is a flowchart of the general steps taken during the arrest and trial of an individual. At each step during the process, the Bill of Rights protects citizens accused of a crime. In each box in the flowchart, mark the letter of the constitutional amendment that protects the accused. Please note, answers can be used more than once.

A. 4th Amendment    B. 5th Amendment    C. 6th Amendment    D. 8th Amendment



★★  
**Guided Reading Activity 16-1**

**Civil Cases**



**Reading Tip**

The order in which steps in a process occur is called a sequence. As you read about civil cases in this section, draw a diagram that lists, or sequences, each step in the process.

**DIRECTIONS:** Write an answer to each question below in the space provided.

1. **Identifying** What do civil lawsuits usually involve?  
 \_\_\_\_\_  
 \_\_\_\_\_
  
2. **Explaining** What is the court's job in civil cases?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  
3. **Defining** What is a negligence suit?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  
4. **Explaining** What would someone want from an equity suit?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  
5. **Describing** What is the purpose of the discovery process?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  
6. **Summarizing** Why are most civil cases settled before they go to trial?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  
7. **Explaining** What does it mean to show a preponderance of evidence?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
  
8. **Describing** What does it mean if a losing side in a court case wants to appeal the case?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Copyright © by The McGraw-Hill Companies, Inc.

SECTION 16-1

## Economics Activity 16



### The Debate Over Damage Awards

When people sue, they are seeking **damages**, or a money award, from the defendant. There are several kinds of damages. **Compensatory damages** are intended to cover the actual injury or economic loss, such as medical costs and car repair from an accident. If the court believes the wrongdoer purposely harmed the other person, it may award additional damages. These **punitive damages** are intended to punish the wrongdoer.

A debate continues over whether the government should set limits on punitive damage awards. Some people believe these “punishment” awards are growing out of control. Others believe that awards must be high enough to force wealthy companies to act responsibly. A government study showed that punitive damages were awarded in about 3 percent of cases won by plaintiffs. The median punitive award was \$38,000. About 17 percent of final awards exceeded \$250,000. About 6 percent were more than \$1 million. People in favor of reform often point to “The Case of McDonald’s Hot Coffee” as an example of unreasonable awards. Opponents interpret the case differently.

**DIRECTIONS:** Read the case below. Answer the following questions on a separate sheet of paper.

#### The Case of McDonald’s Hot Coffee

Stella Liebeck, age 79, bought a cup of coffee from a McDonald’s drive-through. As she opened the lid to add cream and sugar, she spilled the coffee in her lap. The hot coffee caused severe burns to her legs and thighs. Her injuries required skin grafts and eight days in the hospital. Her medical bills totaled almost \$11,000. The burns left her disabled for more than two years. Liebeck sued McDonald’s.

Court testimony revealed that McDonald’s expected employees to sell coffee heated to 180 to 190 degrees. A scientist testified that

coffee this hot could cause severe burns in less than three seconds. McDonald’s admitted at trial that it had known about the burn risk for more than 10 years. It had received at least 700 reports from customers about burns from McDonald’s coffee; yet McDonald’s did not warn customers of the danger.

The court decided for Liebeck. It awarded her \$160,000 for her medical costs and disability. In addition, the judge awarded her punitive damages of \$480,000. Before appeals, the two sides settled on a final amount out of court.

1. What are compensatory damages?
2. What was the amount of compensatory damages in the McDonald’s case?
3. What are punitive damages?
4. How much in punitive damages did the judge award in the McDonald’s case?
5. Do you think the punitive damages were justified in the McDonald’s case? Explain.
6. **CRITICAL THINKING ACTIVITY** Search online or in the library for more information on punitive damage reform. Find one article from each side of the debate. For each article, identify the main idea, key supporting points, and conclusion. Briefly discuss your position, based on what you read.

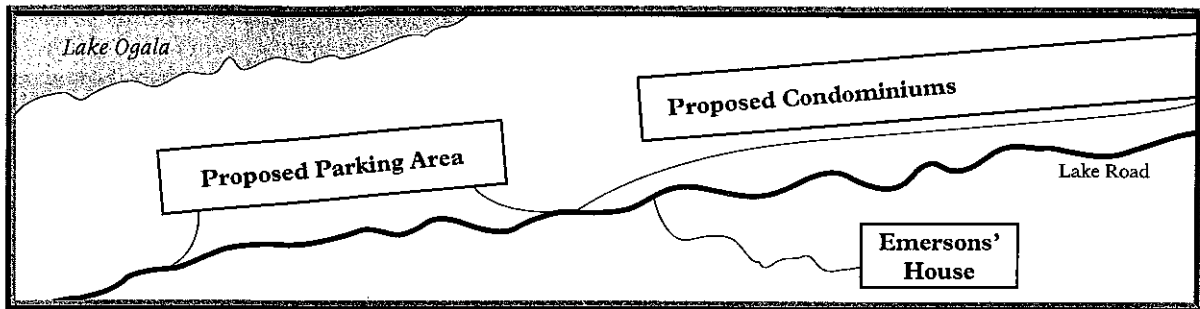
## Enrichment Activity 16



### An Equity Suit

**DIRECTIONS:** Unlike a lawsuit in which legal action is taken to collect damages for harm that has been done, an equity suit is often brought to prevent damaging action from occurring or continuing. Read the description below of an equity suit brought by Jim and Helen Emerson against Phillip Jackson, a land developer. Then answer the questions that follow on a separate sheet of paper.

#### Building Plans



Two years ago, Helen and Jim Emerson realized a dream when they bought and renovated a house near Lake Ogala. They planned to retire there and enjoy the area's seclusion and privacy. Recently the town planning board approved a developer's plan to build a complex of 20 condominium units along the water. The developer, Phillip Jackson, has agreed to build and maintain a public beach next to the condominiums and promises that the complex will blend in with the community.

The planning board says that the public is entitled to access to the lake and that the entire town will benefit from the new beach. The Emersons contend that the two-story complex will destroy their lake view and that the new beach and condominiums will shatter their peace and their privacy and put a great strain on the available water resources. They have asked the judge to issue an injunction to prevent Jackson from going ahead with this plan. Jackson maintains that he bought the land with the understanding that he would be allowed to develop it and that his plans will benefit the entire community.

1. Why were the Emersons looking forward to retirement in their house on Lake Ogala?
2. Who approved Jackson's plan for development beside the lake?
3. What three things does Phillip Jackson plan on building along the waterfront?
4. According to the planning board and Jackson, who will benefit from the development?
5. List the Emersons' concerns regarding the development.
6. **CRITICAL THINKING** Do you think the judge should issue an injunction to prevent Jackson from going ahead with his plans? Present arguments to support the position you have chosen.



\*\*\*\*\*  
**Guided Reading Activity 16-2**



**Criminal Cases**



**Reading Tip**

As you read this section, list the key terms in the order that they appear in the text. After reading, summarize the section correctly using your list of key terms.

**DIRECTIONS:** Write an answer to each question below in the space provided.

1. **Defining** What is a crime?

---

---

2. **Explaining** What are the functions of penalties for crime?

---

---

3. **Describing** What does it mean if a prisoner is granted parole?

---

---

4. **Recalling** What is the most common type of crime?

---

---

5. **Explaining** What does the defendant do during the arraignment?

---

---

6. **Summarizing** What is the purpose of a cross-examination?

---

---

7. **Listing** In what two ways may a jury vote?

---

---

8. **Describing** What happens in the case of a hung jury?

---

---



# Supreme Court Case Study 32



## The Legality of Evidence Seized by the Police

### Mapp v. Ohio, 1961

#### \*\*\*\*\* Background of the Case \*\*\*\*\*

In May 1957, three police officers arrived at Dollree Mapp's home after having received a tip that a fugitive had hidden there. Mapp, who had phoned her attorney, refused to admit the police officers. They notified their headquarters, and the officers began their surveillance of the house.

Three hours later four more police officers arrived. They knocked on the door, and when Mapp did not immediately answer, they forced the door and entered. Mapp demanded to see a search warrant. One of the officers held up a piece of paper, claiming it was the warrant. Mapp snatched the paper and stuffed it into her blouse. After a scuffle, the officers recovered the paper and handcuffed Mapp.

While this was transpiring, Mapp's attorney arrived, but the police refused to let him enter the house or have access to his client. The police then began to search the house. They did not find a fugitive in the house; however, in the course of their search which covered the entire residence, they turned up some material they deemed obscene. Mapp was charged and eventually convicted of having lewd and lascivious books and pictures in her possession, a violation of an Ohio statute.

At her trial, the state produced no search warrant, but the failure to produce one went unexplained. Mapp was convicted of having violated the Ohio law. On appeal, the Ohio Supreme Court upheld the conviction even though the evidence against her had been illegally seized. Mapp appealed her case to the United States Supreme Court.

#### Constitutional Issue \*\*\*\*\*

Suppose the police arrive at your house in response to a call reporting an intruder. While looking for the reported intruder, the police undertake, without a warrant, a search of dresser drawers in various bedrooms where they find a supply of illegal drugs. Can this evidence be introduced at your trial on charges of drug possession? This question involves what has been called the "exclusionary rule"—that is, a rule that evidence seized in violation of a person's constitutional rights may not be used against that person in a trial.

In *Wolf v. Colorado* (1949), a case similar to the *Mapp* case, the Supreme Court had recognized that the Fourth Amendment embodies the right of an individual to privacy but declined to forbid illegally seized evidence from being used at trial. Since the 1914 decision in *Weeks v. United States*, illegally seized evidence could not be used in federal courts. The issue in the *Mapp* case was whether or not the exclusionary rule of *Weeks*, applied to the states through the Fourteenth Amendment, also prohibited illegally seized evidence in state courts.

Copyright © by The McGraw-Hill Companies, Inc.

(continued)



# Supreme Court Case Study 32 (continued)

## \*\*\*\*\* The Supreme Court's Decision \*\*\*\*\*

The Court voted 6 to 3 to reverse the Ohio Supreme Court's decision. Justice Tom C. Clark wrote for the majority:

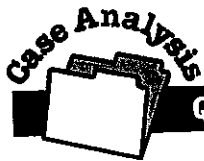
"In extending the substantive protection of due process to all constitutionally unreasonable searches—state or federal—it was logically and constitutionally necessary that the exclusion doctrine—an essential part of the right to privacy—be also insisted upon. . . . In other words, privacy without the exclusionary rule would be a hollow right. . . ." The Court held that this right could not continue to tolerate the admission of unlawfully seized evidence.

The *Mapp* decision was seen by the Court as the end of a double standard by which "a federal prosecutor may make no use of evidence illegally seized, but a State's attorney across the street may. . . ." Justice Clark wrote that this decision also ended an unfortunate situation in which "the State, by admitting evidence unlawfully seized, serves to encourage disobedience to the Federal Constitution which it is bound to uphold."

Clark was aware that the Court's ruling would sometimes result in criminals going free because of an error on the part of the police. To this possibility he responded, "The criminal goes free, if he must, but it is the law that sets him free. Nothing can destroy a government more quickly than its failure to observe its own laws, or worse, its disregard of the charter of its own existence."

## \*\*\*\*\* Dissenting Opinions \*\*\*\*\*

Justice John Marshall Harlan dissented. He doubted the federal exclusionary rule was constitutional and suggested that, under federalism, court remedies for illegally seized evidence should be left to the states.



### Questions \*\*\*\*\*

**DIRECTIONS:** Answer the following questions on a separate sheet of paper.

1. According to the Court's decision, why may illegally seized evidence not be used in a trial?
2. Why, according to Justice Clark, is it better for a criminal to go free than to convict the criminal with illegally seized evidence?
3. What was the illegally seized evidence in the *Mapp* case?
4. What was the "double standard" referred to in the Court's decision?
5. Do you agree with the Court's decision in the *Mapp* case? Give reasons for your answer.

Copyright © by The McGraw-Hill Companies, Inc.



# Supreme Court Case Study 36

## A Poor Defendant's Right to a Lawyer

### *Gideon v. Wainwright*, 1963

#### \*\*\*\*\* Background of the Case \*\*\*\*\*

"From time to time in constitutional history an obscure individual becomes the symbol of a great movement in legal doctrine. Character and circumstances illuminate a new understanding of the Constitution. So it was in the case of Clarence Earl Gideon," according to Anthony Lewis, a noted civil libertarian.

In 1961 Clarence Earl Gideon, a petty thief who had served four prison terms, was arrested for breaking into a poolroom in Panama City, Florida, and stealing a pint of wine and some change from a cigarette machine.

At his trial Gideon asked the judge to appoint a lawyer for him since he could not afford to hire one himself. The judge refused because under Florida law a lawyer could be provided only if the defendant was charged with a capital offense—one in which death was a possible penalty.

Gideon then pleaded not guilty; he conducted his own defense, but was found guilty and sentenced to five years in prison. From prison Gideon submitted a handwritten petition to the United States Supreme Court to accept his case as a pauper. In such cases the Court may accept petitions from indigent individuals and then appoint counsel to represent them before the Court. In this case, the Court appointed Abe Fortas, who later was to become a Supreme Court justice, as Gideon's attorney.

#### *Constitutional Issue* \*\*\*\*\*

The Court accepted Gideon's case in order to reconsider its decision in the case of *Betts v. Brady* (1942). In that case, the Court had ruled that, outside of special circumstances, the due process clause of the Fourteenth Amendment did not require the application of the Sixth Amendment's guarantee of counsel in criminal cases to state trials. In a still earlier case, *Powell v. Alabama*, the Court had ensured that state courts would provide counsel in capital cases. The issue in the *Gideon* case deals with whether a defendant in a criminal case who cannot afford a lawyer is deprived of his or her Sixth Amendment right to counsel if he is not supplied with one.

#### \*\*\*\*\* The Supreme Court's Decision \*\*\*\*\*

The Court ruled in Gideon's favor, overturning its decision in the *Betts* case. Justice Hugo Black wrote for the opinion for the Court.

Black's opinion stated that the decision in *Betts* represented an abrupt break from precedents such as those found in *Powell*. These precedents, he observed, as well as "reason and reflection," convinced the Court that "in our adversary system of criminal justice, any person haled [brought] into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him."

(continued)

Copyright © by The McGraw-Hill Companies, Inc.

# Supreme Court Case Study 36 (continued)



Black went on to stress that poor and rich alike are entitled to counsel. "Lawyers to prosecute are everywhere deemed essential to protect the public's interest in an orderly society. Similarly, there are few defendants charged with crime, few indeed, who fail to hire the best lawyers they can get to prepare and present their defenses. That government hires lawyers to prosecute, and defendants who have money hire lawyers to defend are the strongest indications of the widespread belief that lawyers in criminal courts are necessities, not luxuries. The right of counsel of one charged with a crime may not be deemed fundamental and essential for fair trials in some countries, but it is in ours."

Black continued, "From the very beginning, our state and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law. This noble ideal cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him."

In making the point that Gideon, like most people, did not have the expertise to defend himself, Black quoted the words of the Court in the *Powell* case: "The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent and educated layman has small and sometimes no skill in the science of law. If charged with crime, he is incapable, generally, of determining for himself whether the indictment is good or bad. Left without the aid of counsel he may be put on trial without a proper charge, and convicted upon incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible. He lacks both the skill and knowledge to prepare his defense adequately, even though he may have a perfect one. He requires the guiding hand of counsel at every step of the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence."

Gideon was tried again in the court that had convicted him, this time with a court-appointed lawyer. Before the same judge and in the same courtroom, Gideon was acquitted.

## Case Analysis Questions

**DIRECTIONS:** Answer the following questions on a separate sheet of paper.

1. Why did the Court believe that Gideon could not defend himself?
2. Did the Court rule that a defendant could never act as his or her own lawyer? Explain.
3. In overturning its *Betts* ruling, what did the Court in effect say about its judgment in that case?
4. Under the *Gideon* ruling, why is a trial judge required to appoint a lawyer for defendants who claim they are too poor to pay for one?
5. Why is the *Gideon* decision regarded as a historic civil liberties victory?

Copyright © by The McGraw-Hill Companies, Inc.

# Supreme Court Case Study 41



## The Rights of the Accused

### Miranda v. Arizona, 1966

#### \*\*\*\*\* Background of the Case \*\*\*\*\*

Ernesto Miranda had been arrested at his home in Phoenix, Arizona, and accused of kidnapping and rape. Questioned at the police station by two police officers, he was not advised of his right to an attorney nor his right to remain silent. After two hours of interrogation, he signed a written confession to the crimes. At his trial, he was found guilty and sentenced to 20 to 30 years in prison. He took his case to the United States Supreme Court.

#### *Constitutional Issue* \*\*\*\*\*

The Fifth Amendment of the Constitution guarantees that "no person . . . shall be compelled in any criminal case to be a witness against himself. . ." This right was made part of the Bill of Rights to prevent a tyrannical government from forcing accused persons to confess to crimes they may or may not have committed. Miranda's case before the Supreme Court was based on this Fifth Amendment protection. The Court accepted the case in order to explore and clarify certain problems arising from earlier decisions related to the rights of individuals taken into police custody. The precise question that the Court explored was under what circumstances an interrogation may take place so that a confession made during the interrogation would be constitutionally admissible in a court of law.

#### \*\*\*\*\* The Supreme Court's Decision \*\*\*\*\*

The Supreme Court overturned Miranda's conviction in a 5 to 4 decision. Chief Justice Earl Warren wrote the majority opinion. The Court's ruling centered on what happens when a person is taken into custody. No statement from the suspect, the Court held, may be used when it stems from custodial interrogation of the defendant unless it demonstrates the use of procedural safeguards effective to secure the privilege against self-incrimination. By custodial interrogation, we mean questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom in any significant way.

Warren noted that a suspect under interrogation is subject to great psychological pressures designed "to overbear the will," and that questioning often takes place in an environment "created for no other purpose than to subjugate the individual to the will of his examiner." In overturning Miranda's conviction, the Court intended "to combat these pressures and to permit a full opportunity to exercise the privilege against self-incrimination. . . ."

A person in police custody "or otherwise deprived of his freedom. . . must be warned prior to any questioning that he has the right to remain silent, that anything he says can be used against him in a court of law, that he has the right to the presence of an attorney, and that if he cannot afford an attorney, one will be appointed for him prior to any questioning if he so desires," Warren stated.

(continued)

Copyright © by The McGraw-Hill Companies, Inc.



# Supreme Court Case Study 41 (continued)

Once these warnings are given, the individual in custody may choose to stop answering questions, or may halt the interrogation until his attorney is present. Otherwise, he may waive his exercise of these rights. In such a case, there would be "a heavy burden . . . on the Government to demonstrate that the defendant knowingly and intelligently waived his privilege against self-incrimination and his right to . . . counsel."

The *Miranda* ruling applies only to interrogations. The Court emphasized that such safeguards were "not intended to hamper the traditional function of police officers in investigating crime. . . ." The ruling was not meant to bar "general on-the-scene questioning as to facts surrounding a crime or other general questioning of citizens in the fact-finding process. . . ." In addition, the Chief Justice declared, the Fifth Amendment does not bar voluntary statements from a person who, for example, enters a police station ". . . to confess to a crime, or a person who calls the police to offer a confession or any other statement he desires to make."

The *Miranda* ruling has led to the practice now followed routinely by arresting police officers and other law enforcement officials during which they read a suspect his or her *Miranda* rights.

## \*\*\*\*\* Dissenting Opinion \*\*\*\*\*

Justices John Marshall Harlan, Tom C. Clark, Potter Stewart, and Byron White dissented. They saw no historical precedent for the majority position and feared the decision could weaken law enforcement. Justice White condemned the majority for creating law enforcement directives he viewed as inflexible, while at the same time leaving many unanswered questions.



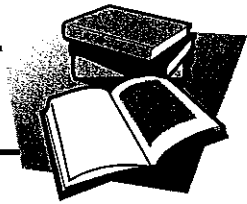
## Questions \*\*\*\*\*

**DIRECTIONS:** Answer the following questions on a separate sheet of paper.

1. How has the Supreme Court interpreted the Fifth Amendment's protection against self-incrimination to apply to all persons questioned in connection with a crime?
2. Suppose you were arrested as a suspect in a crime. The arresting officers rush you to a tiny room where they question you for 12 hours without a stop. Then, too weary to protest, you sign a confession. How would the Court's *Miranda* decision protect you in such a situation?
3. At the scene of a crime, a police officer questions witnesses about the details of a holdup. The officer suspects that some of the witnesses are connected with the crime. How does the *Miranda* decision apply in such an instance?
4. What do you think would happen if a person convicted of a crime proved that she or he was not informed of the *Miranda* rights when questioned by the police?
5. In recent years, the *Miranda* decision has been criticized by some persons as protecting the rights of criminals and neglecting the rights of crime victims. Do you agree or disagree with this point of view? Why?

Copyright © by The McGraw-Hill Companies, Inc.

## Reaching Activity 16



### Civil and Criminal Law

The American judicial system tries millions of cases each year. Civil cases pertain to disputes over rights, property, or agreements. Criminal cases involve people who are charged with disobeying the law. Not all civil cases go to trial. Many are settled out of court or are sent to arbitration or mediation. The same is true for criminal cases. Defendants often plea to a lesser charge to avoid a lengthy trial. Juveniles are treated differently than adults when they commit crimes. The primary goal of juvenile courts is to try to rehabilitate, not punish, the offenders.

**DIRECTIONS: Matching Lists** Write the letter of the term next to the description or characteristic that best corresponds.

- |                   |       |  |
|-------------------|-------|--|
| A. penal code     | _____ | 1. This term is used for the written criminal laws of a state.   |
| B. diversion      | _____ | 2. A negligence suit would be seen in this type of court.  |
| C. arraignment    | _____ | 3. In criminal law cases, this is the name for the government's case against the person accused of a crime.      |
| D. discovery      | _____ | 4. During this criminal case procedure, the defendant formally enters a plea in court.                           |
| E. civil          | _____ | 5. During this civil process, lawyers check facts and gather evidence by questioning the other party.            |
| F. prosecution    | _____ | 6. These answers that witnesses give in court should be "the truth, the whole truth, and nothing but the truth." |
| G. negligence     | _____ | 7. This professional acts like a judge, reviews the case, and makes a binding decision.                          |
| H. testimony      | _____ | 8. This is a way to direct juveniles away from court and into special programs.                                  |
| I. arbitrator     | _____ | 9. This type of civil suit may be filed when a person has been injured because of someone else's carelessness.   |
| J. suit of equity | _____ | 10. In this type of lawsuit, the judge may issue an injunction.  |

CHAPTER 16



\*\*\*\*\*  
**Guided Reading Activity 16-3**



**Young People and the Courts**



**Reading Tip**

Before you read, turn to the section assessment questions. Read each one. Try to keep these questions in mind as you read the text.

**DIRECTIONS:** Write an answer to each question below in the space provided.

1. **Contrasting** What is the difference between a juvenile and a juvenile delinquent?

---

---

2. **Identifying** What is the primary goal of juvenile courts?

---

---

3. **Summarizing** What types of cases do juvenile courts hear? Explain them.

---

---

4. **Describing** What does it mean to "divert" a juvenile from the court system?

---

---

5. **Comparing** What are some of the differences in the court procedures in juvenile court cases as compared to adult trials?

---

---

6. **Explaining** Some states use peer juries. How are peer juries usually used during juvenile cases?

---

---

7. **Concluding** Why was the *Gault* case important?

---

---

## CHAPTER 4 CIVICS TAKE HOME TEST

### FACTS:

A valuable five foot tall Ming Dynasty vase from China was stolen from the N.C. Museum of Art. When detective Sam Suspicious was assigned to the case, he instantly knew who had stolen the vase. Sam Suspicious went to Judge Buffoon and requested a search warrant to look in the home of 19 year old Susan Sneaky. Sam said "I know for sure the Ming vase is in that house! When Susan Sneaky was eleven years old, she stole a pack of gum. Once a thief, always a thief!" Judge Buffoon considered this for a moment and then said "alright Sam, I'll issue that warrant." The search warrant said "Sam Suspicious can look for the Ming vase stolen from the N.C. Museum in whatever place it may reasonably be expected to be found." With warrant in hand, Sam raced to Susan's house with three large policemen, Huey, Duey and Louie, for backup.

Upon arriving, Sam knocked, showed Susan the warrant and began his search. The first place he went to was the kitchen, where he opened a small cookie jar. Instead of cookies, Sam found a small bag of drugs. He spun around and shouted "is this yours?!" Susan, frightened, and surrounded by Huey, Duey & Louie (who had their guns drawn and pointing at her) said "yes." A further search of the house revealed a grenade launcher hidden in the corner of Susan Sneaky's basement, in violation of state law. She was taken to the police station where she was arrested for possession of drugs and a deadly weapon.

In the interest of time, a Grand Jury was skipped and Susan's trial was held the next day. The attorney for the prosecution, Larry Lawyer, told Judge Buffoon that Susan was caught with the drugs in the cookie jar and had even admitted that they were hers. Judge Buffoon asked her if this were true. When Susan hesitated, Judge Buffoon told Susan that she must answer the question. As Susan was not allowed an attorney at her trial, (even though she had requested one) she thought it best to answer the Judge. "Yes Judge, I admitted they were mine." Whereupon Judge Buffoon sentenced her to be given only bread, water and vitamins for a period of one year, and also said that she was not allowed to take a bath for one year. The State also confiscated her grenade launcher.

Susan served her time in prison, with just bread and water to sustain her. While in prison, she read the Bill of Rights and became very knowledgeable in the law. When she was released from prison in 2001, the first thing she did was take a bath. Then she went to a restaurant for a good meal. The restaurant was very crowded, so Susan yelled "fire!" to clear some people out, even though there was no fire. When the owner of the restaurant threatened to sue her because she disrupted his business, Susan Sneaky said "free speech, pal. Look it up." She then sat down at a table.

While at the restaurant, she saw Judge Buffoon and said to the waiter: "Judge Buffoon is a fool who doesn't understand the law." She then proceeded to tell the waiter her story. Unknown to her, Judge Buffoon's boss was sitting behind her. He overheard the story and then decided not to give Judge Buffoon his raise. Later, when Judge Buffoon found out he was not getting a raise because of what Susan Sneaky said, he promptly sued Susan Sneaky for slander.

When Susan Sneaky left the restaurant and was walking home, she saw that Larry Lawyer was up for election as State Attorney General. Still mad at Larry Lawyer for his prosecution of her case a year ago, she decided to vote against Larry. She went to the polls and Booth Operator Boris made Susan pay a \$25.00 tax before she could vote. The tax was used to upgrade the computer system that counts the votes. Just as she was about to vote against Larry Lawyer, Booth Operator Boris raced in and said she could not vote because she was a woman and also said that she could not vote because she was under five feet tall. Infuriated, Susan Sneaky stormed out and went home, only to find that there was a highway where her home had been. Looking around, she found a check from the government addressed to her for \$100.00 in payment for her house.

### QUESTION:

Please identify all of the Amendments and other Constitutional rights at issue in the above situation. Please be detailed and be sure to explain how those rights have been violated or potentially violated. Also include whether the restaurant owner and Judge Buffoon have valid claims against Susan Sneaky.