

: CIVIL LIBERTIES

Previously, there was a unit on civil rights. Those covered things such as the right to vote, and encompassed things such as *Brown v. BOE*.

A civil liberty is something you are free to do. A civil right is something granted to you may not necessarily be freedom, such as the right to use social services.

Our civil liberties come mostly in the Bill of Rights, although a few are located in the constitution (such as habeas corpus during peace time).

: BOR

The Bill of Rights was controversial: some deemed it unnecessary and built into the Constitution while others argued that laying out exactly what was OK or not OK was essential.

Madison, after entering the fresh and new House of Reps., created a number of amendments, ten of which were passed into law.

Currently, there are 10 amendments, which form the Bill of Rights. 1-8 cover rights such as “freedom of speech” and “no stoppage of life, liberty or property without good reason”. 9 states that “just because its not here DOES NOT MEAN you can not grant that right”. 10 states that whatever the federal government is not explicitly given is state power, which was reasonable at the time, given the overarching fear of tyranny.

However, there were a few limitations: first off, these apply to government and government only. A private institution can still punish you for saying the f word on their property, with some limitations. Next up, the original version did not entirely apply to states, although states usually upheld those rights on a state level anyways.

In ***Barron v. Baltimore 1833***, a local man (Barron) had his shit damaged/taken without comp by the local government and said it violated the due process clause. The court ruled that that clause did not apply to local government and thus Barron could not claim legitimately that his shit getting taken without compensation constituted a violation of AM5.

This was the case until **selective incorporation doctrine** developed and was implemented in the 1900s. This basically means “OK, so is this amendment important enough to justify holding the states to this rule?? (they had the options of “YES”, “YES but only some parts” or “NO”).

: PUBLIC INTERESTS

If the police have probable cause, they can enter your house even though that is your property and your private area. If you do something big illegal, you can get put in prison. This is an example of a right being taken away in exchange for a public interest, in this case, safety (hopefully, no idea what the prison system is up to these days).

Public interests are some aspect of society that benefits the well being of the people, for example, safety. It is the counter to a civil liberty: you can say whatever you want UNTIL it starts to affect safety or defames someone.

The government has to balance the public interests and civil liberties. An example of this is gun control: guns are controlled because it's in the public's interest. Some have contested this saying that the right to bear arms outweighs the public interest of safety, others argue the reverse.

: INTERP

Someone has to interpret whatever the hell "speedy trial" is supposed to mean. This is primarily the job of courts and judicial bodies, who will make a call based on the current public interests, the text of the Constitution. It may also be up to enforcers to decide what a piece of legislation means and take into consideration their moral compass and whatnot.