

# Unit 2



## Effective Citizenship Due Process and Voting Rights

# Due Process

## **The Impact of the 5<sup>th</sup> and 14<sup>th</sup> Amendments**

# What is due process?

**Due Process Clause is a clause in the U.S. Constitution that embodies a system of rights based on moral principles. The due process principle states that the government must respect all of the legal rights that are owed to a person according to the law. Thus the due process clause in the constitution prohibits the state and local government from depriving people of their life, liberty, or property without certain steps being taken. In the U.S. Constitution, the concept of due process is discussed under the fourteenth and the fifth amendments to the constitution.**

# 5<sup>th</sup> Amendment

**A section of the Fifth Amendment holds that "no one can be deprived of life, liberty, or property without due process of law." In other words, the government must follow certain legal procedures before deciding on a penalty. It can't jail a person because it suspects that the person committed a crime. It must prove the accusation by following certain rules and methods.**

# 5<sup>th</sup> Amendment

**In other words, you can't be tried for a crime today, convicted of it tomorrow, and imprisoned the next day...**

# 14<sup>th</sup> Amendment

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

# 14<sup>th</sup> Amendment

**In other words, this amendment places the same restrictions on the STATE and LOCAL gov't that the fifth amendment places on the federal gov't.**

# Issue

- **Is it constitutional to take a child's liberty without following due process?**



# Gault 1967

**An Unfair Detention In 1964, an Arizona sheriff took 15-year-old Gerald Gault into custody after a woman complained Gerald and another boy made an indecent phone call. The sheriff left no notice for Gerald's parents, who had to figure out on their own where Gerald went. At the station, the deputy told Gerald's mom there would be a hearing the next day. They kept Gerald in custody overnight. At the hearing, nobody wrote anything down or recorded what was said.**

# Gault 1967

- **Witnesses were not sworn in, and the woman who complained about the phone call wasn't there. The judge said he would think about what to do, and they kept Gerald in custody for two or three more days.**
- **A few days later, Gerald's mom got a note that there would be another hearing. Again, nobody made any record of what happened, and the woman wasn't there.**

# Gault 1967

- **At both hearings, Gerald testified about what happened. At the end of second hearing, the judge found Gerald to be delinquent and said he must stay in juvenile detention until he turned 21.**

# The Argument

**The 14th Amendment to the U.S. Constitution says that no state can “deprive any person of life, liberty, or property without due process of law.” Due process refers to the procedures that are followed when someone is convicted of a crime. Gerald’s lawyers argued that the State of Arizona had deprived him of his liberty without due process of law—meaning, without following procedures that are fair. They argued that the Constitution guarantees due process to both juveniles and adults.**

# The Decision

**The Supreme Court agreed. Here are the due process procedures the Court said Arizona must give to juveniles as well as adults:**

- Notice of Charges. Both Gerald and his parents should have received written notice of the charges against him. That notice should have been delivered far enough in advance to allow time to prepare a defense.**
- Right to Counsel. Gerald and his parents should have been told that they had a right to a lawyer, and that one would be appointed for them if they could not afford one.**

# The Decision

- **Right to Remain Silent.** The Court said Gerald did not have to testify against himself. His confession could not be used against him unless it was obtained properly.
- **Right to Confrontation.** Without a valid confession, only testimony from witnesses who had been sworn in could be used against Gerald, and he had a constitutional right to confront the witnesses against him.

# The Decision

- **No. Both children and adults have a right to due process under the 14<sup>th</sup> amendment.**

**When kids get in trouble, should they be treated differently from adults? Most states say yes. The Court's decision did not mean that states can't make special rules for juveniles who break the law and treat juvenile offenders differently from adults. But it does mean that they can't deny kids basic protections of the Constitution.**

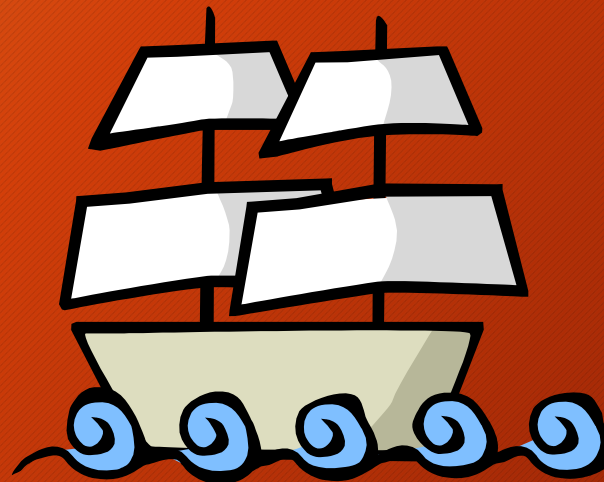


<b>Action</b>	<b>Due Process?</b>	<b>This is/isn't fair because...</b>
<b>1. Holding a hearing without giving the juvenile enough time to prepare.</b>	<b>Yes    No</b>	
<b>2. Using a juvenile's confession against them without the knowledge they had a right to remain silent.</b>	<b>Yes    No</b>	
<b>3. Requiring witnesses to raise their right hand and swear to tell the truth.</b>	<b>Yes    No</b>	
<b>4. Assigning a free lawyer to a juvenile who could not afford one.</b>	<b>Yes    No</b>	
<b>5. Not writing anything down at the hearing or recording what happened there.</b>	<b>Yes    No</b>	
<b>6. Filing a legal document against the juvenile without including any alleged facts about what happened.</b>	<b>Yes    No</b>	
<b>7. Bringing witnesses to the hearing and asking them to tell what happened</b>	<b>Yes    No</b>	
<b>8. Telling a juvenile's parents that there's going to be a hearing but not giving them anything in writing.</b>	<b>Yes    No</b>	

# VOTING RIGHTS

# The Early Years

When the colonists came over from England, they brought many of the English political laws and customs with them.



# The Early Years

**In most of the thirteen colonies, only adult white males that owned land (usually at least 50 acres) could vote.**



# The Early Years

Many people believed that land owners were the only ones responsible enough to make political decisions!



# The Early Years



This left poor white men...women...Native Americans and Africans (free and slaves)

**OUT** of the voting process!

# Independence and the Vote

The Framers of the Constitution couldn't agree on who should have the right to vote.

They gave each state the power to decide what its own voting rights would be.

George Washington

Thomas Jefferson

Benjamin Franklin

John Adams



Do you recognize anyone in the image?

**Over time , states dropped the requirement that voters must own property.**



**Rhode Island did not change until 1880!**



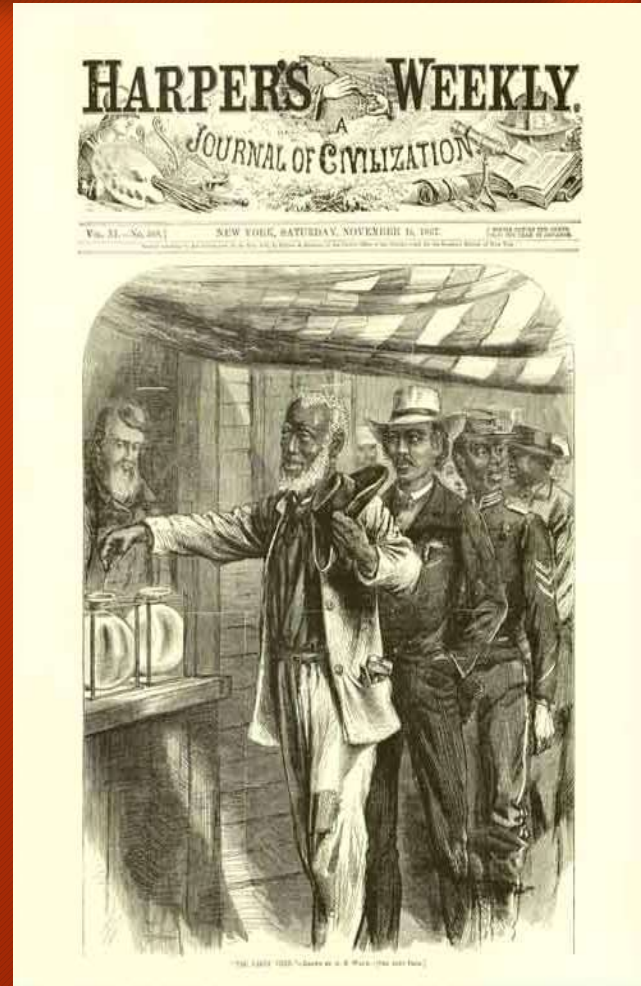
**Some states acted faster than others. New York got rid of the property requirement in 1821.**



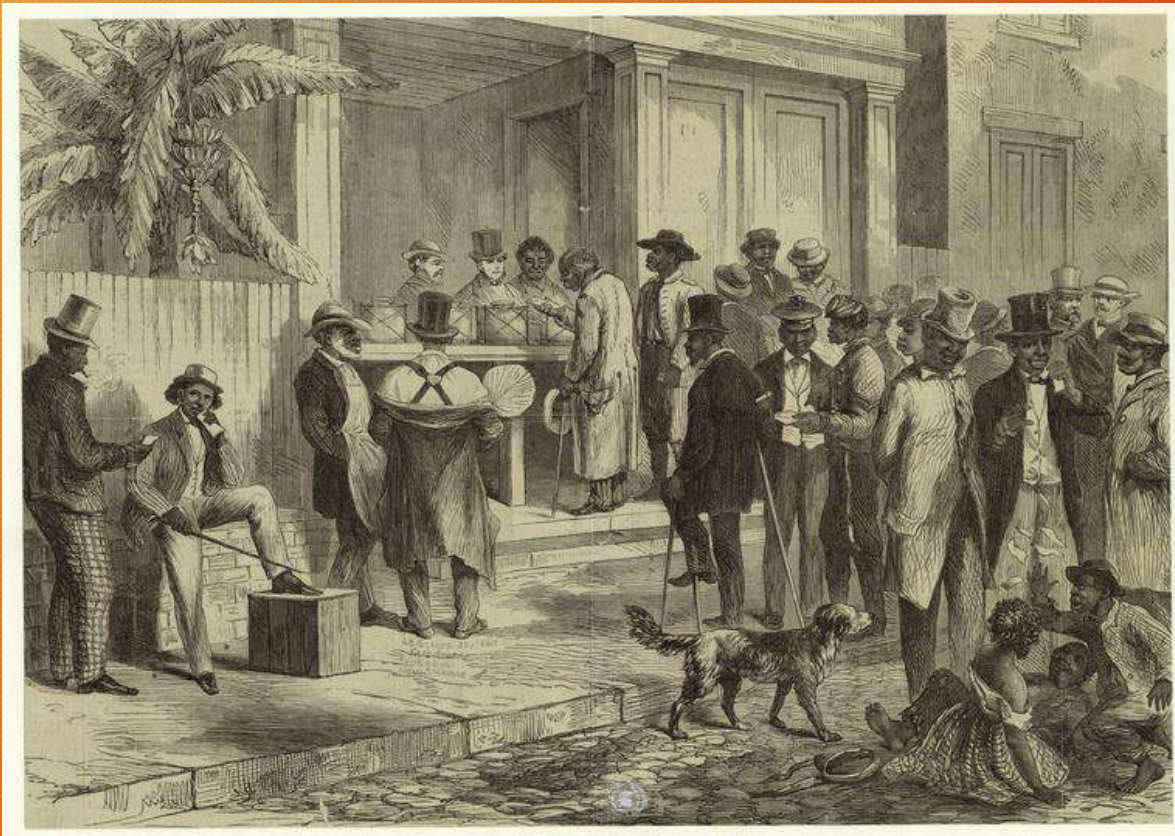
# The African American Vote

The 15<sup>th</sup> Amendment was passed in 1870, five years after the end of the Civil War.

The Amendment states, “The right of citizens of the United States to vote *shall not be denied ... on account of race, color or previous condition of servitude.*”



# The African American Vote



**The 15<sup>th</sup> Amendment said that former slaves could not be turned away from the polls due to the color of their skin or the fact that they had been slaves.**

# You Decide

Can I  
vote?

The year is 1915. I  
am a single African  
American man living  
in Chicago, Illinois.  
Can I vote?



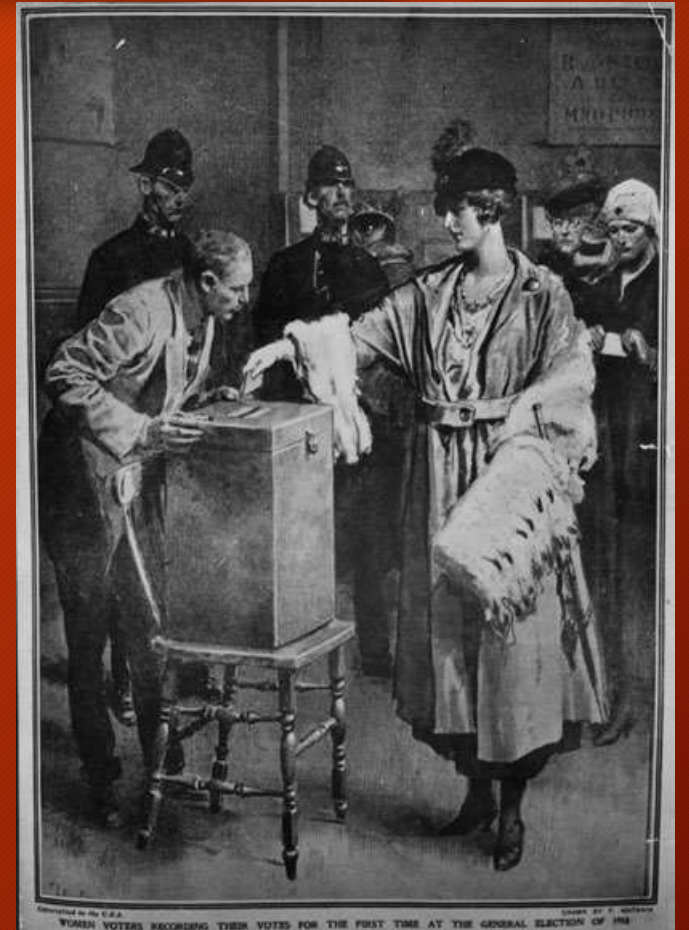
**YES YOU CAN!**



# The Women's Vote

Women won the right to vote in  
August of 1920!

The 19<sup>th</sup> Amendment said,  
“The right of citizens of the United  
States to vote *shall not be denied ...  
on account of sex.*”



Illustrated by the U.S.A. WOMEN VOTERS RECORDING THEIR VOTES FOR THE FIRST TIME AT THE GENERAL ELECTION OF 1920. DRAWN BY T. HOFFMAN

# You Decide

Can I  
vote?



I am a woman living in New York City in the year 1924. I am 25, married and have two children. Can I vote?



**YES YOU CAN!**

# DC Voting Rights



Residents of the District of Columbia did not get the right to vote in presidential elections until the 23<sup>rd</sup> Amendment was ratified in 1961.

# You Decide

I live in Washington, D.C. just down the street from the White House. The year is 1955. I am a 35 year old woman with two children.

Can my husband and I vote for my neighbor, the President?



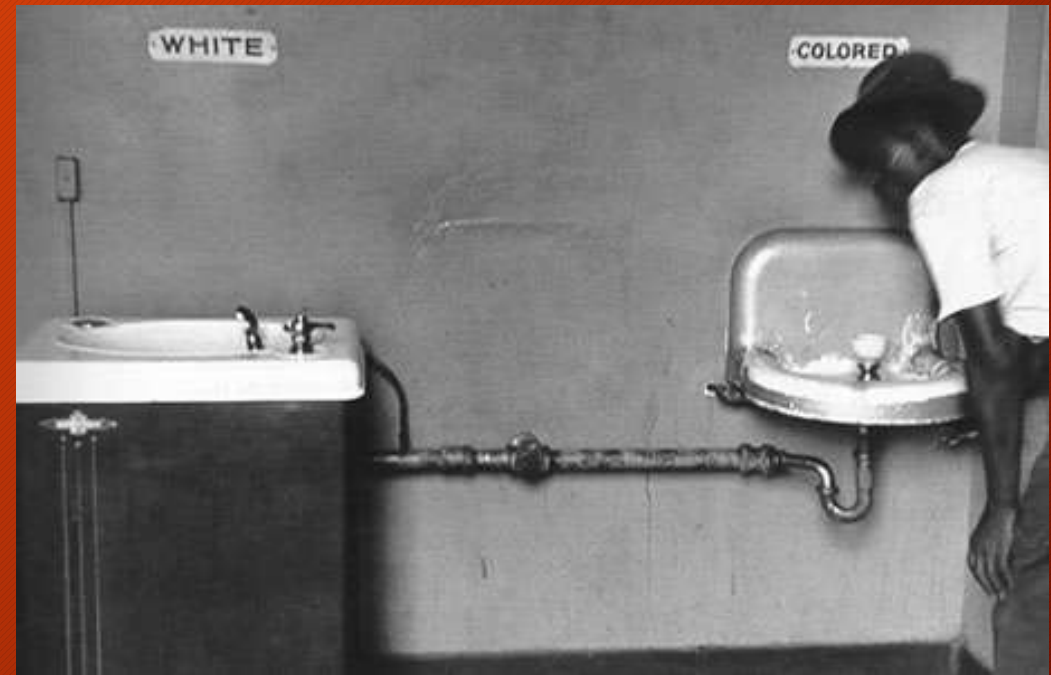
You can 't vote yet.



# Voting is a Civil Right!

Even after the Civil War, many people in the South did not want African Americans to have the same rights as white Americans.

- This included the right to vote or hold office.
- Some states and counties passed laws that made voting almost impossible!





# Barriers to the African American

# Vote



States and individual counties used many different methods to prevent African Americans from voting.

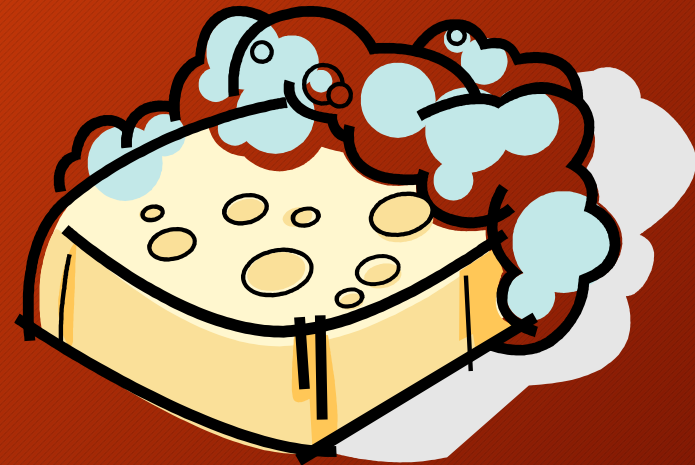
- Limited opportunities to register to vote
- Arrest and beatings by police
- Threats of violence toward voter's family and home
- Personal information shared with groups like the KKK and employers
- Unfair tests at the polls



This poll test asks voters to correctly guess the number of cotton balls in a jar before they are allowed to vote.

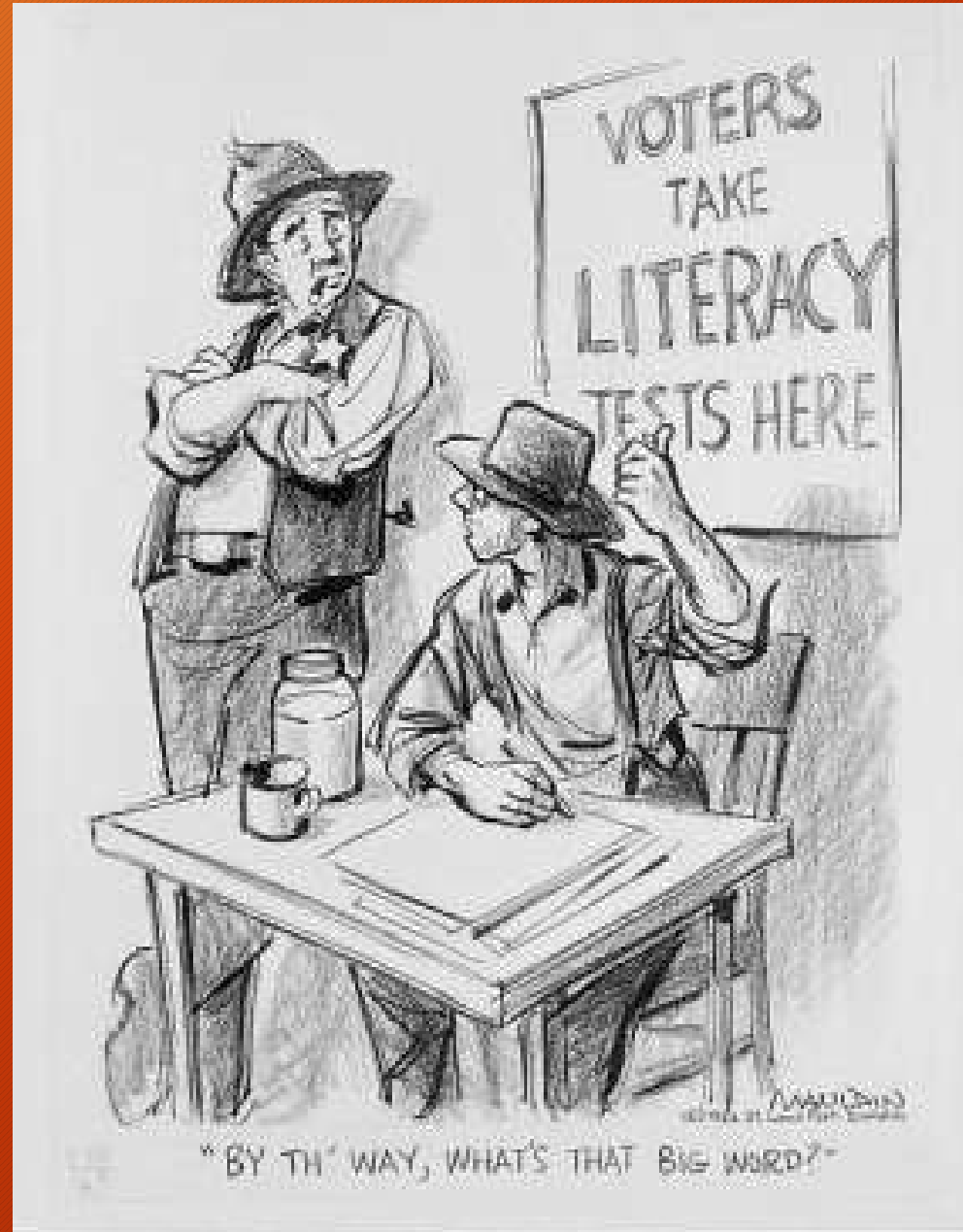


Other tests asked voters to guess the number of bubbles in a bar of soap!



The *literacy test* was one type of poll test that was given in some locations. Voters were tested on their reading skills.

Like with the other tests, white voters always passed while African American voters usually failed.



# Voting Requirements in the South

Alabama	Louisiana
<ol style="list-style-type: none"><li>1) Read a section of the Constitution out loud.</li><li>2) Tell what the section says in your own words.</li><li>3) Write out another section of the Constitution.</li><li>4) Answer eight questions on the Constitution.</li></ol>	<p>Voters who could not prove a 5<sup>th</sup> grade education had to:</p> <ol style="list-style-type: none"><li>1) Complete a 30 question test</li><li>2) Finish the test in 10 minutes!</li></ol>

Many African Americans in these states lacked a quality education, and the tests were meant to exclude blacks from the voting process.

1. In what year did the Congress gain the right to prohibit the migration of persons to the states? 1808
2. Who is the commander-in-chief of the army and navy of the United States? The President
3. Which of the Parts above, of the United States Constitution, deals with the federal government's authority to call the state militia into federal service? Part 1
4. The president is forbidden to exercise his authority of pardon in cases of impeachment.

Alabama  
Literacy  
Test

# Examples of Literacy Tests

20. Spell backwards, forwards.

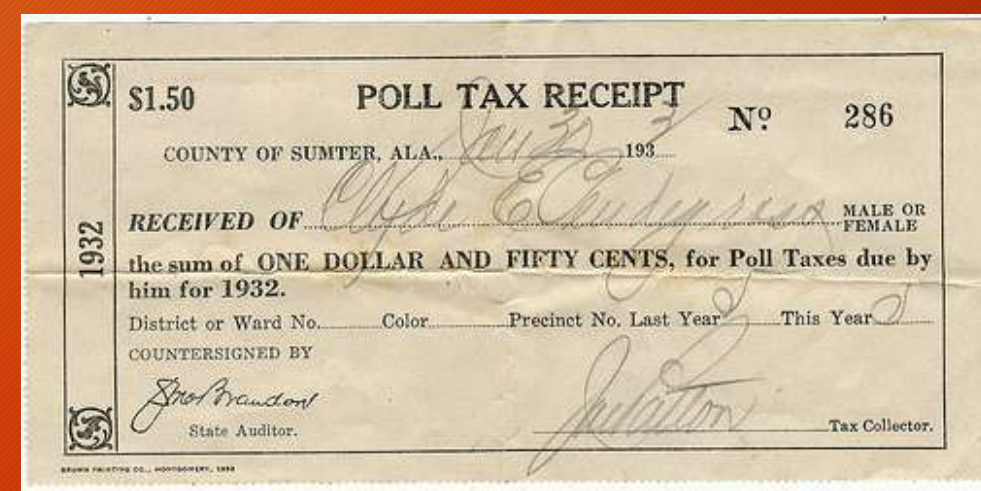
21. Print the word vote upside down, but in the correct order.

22. Place a cross over the tenth letter in this line, a line under the first space in this sentence, and circle around the last the in the second line of this sentence.

Louisiana  
Literacy  
Test

The *Poll Tax* required voters to pay for the ability to vote.

Democracy's Turnstile



Most Southern African Americans were poor sharecroppers that were heavily in debt to landowners. 

$\$1.50$   
 $0$   
 $1932$   $=$   $\$23.00$   
 $0$   
 $Today$

# You Decide

Can I  
vote?

I am a 22 year old  
African American man  
living in the deep  
South in 1948. I work  
in the cotton fields and  
cannot read or write.  
Can I vote?



It's not likely that you'd get to  
vote.

# The Civil Rights Movement

Over time, more and more people demanded civil rights for all Americans.

The marches, speeches, sit-ins, freedom rides and activities all added up to what we know as the Civil Rights Movement.





# Voting Laws Change

- **The *24<sup>th</sup> Amendment* was added to the Constitution in 1964.**
- **It banned the use of poll taxes in elections.**

Martin Luther King, Jr.

President Lyndon B. Johnson



# Voting Laws Change

**The *Voting Rights Act* was signed by President Johnson in 1965.**

**This law:**

- **protected the right to vote for all citizens**
- **forced the states to obey the Constitution**
- **reinforced the 15<sup>th</sup> Amendment.**



# Changing the Voting Age

In the 1960s and 1970s thousands of young men were drafted to fight in the Vietnam War. Many were too young to vote.



# Changing the Voting Age

On November 4

**Vote YES 18**


On Public Question  
No. 2

<b>X</b>	YES	Shall Article II, paragraph 3 of the Constitution be amended so as to change the age qualifications of a voter from 21 years to 18 years?
	NO	

Paid for by Citizens Committee for Vote 18

**YES on Nov. 4**

For **Vote 18**



*"I go for all sharing the privileges of the government who assist in bearing its burdens."*

*Abraham Lincoln*

The **26<sup>th</sup> Amendment** was passed in 1971.

It says, "The right of citizens of the United States, who are 18 years of age or older, to *vote shall not be denied... on account of age.*"

**Supporters of this amendment chanted, "Old enough to fight, old enough to vote!"**

# You Decide



Can I  
vote?



I just graduated from high school in Maryland, Class of 1972! I am 18 years old and just got drafted to fight in the war in Vietnam. Can I vote?



**YES YOU CAN!**

**Do you have to own land to vote in the United States?**



OR

NO



**All land  
ownership  
requirements  
ended by 1880!**

**Rhode Island was the first state to give women the vote.**



OR

FALSE



**Wyoming gave women the right to vote in 1869.**

**Forcing people to pay for the right to vote was called a \_\_\_\_\_?**

LITERACY TEST



OR

POLL TAX



**Poll taxes were used to keep poor African Americans from voting.**



# The Voting Rights Act reinforced the 15<sup>th</sup> Amendment.

TRUE



OR

FALSE

After the 15<sup>th</sup> Amendment, many states and counties still prevented African Americans from voting. The Voting Rights Act was written to remove these barriers.

# Which war led to the passage of the 26<sup>th</sup> Amendment?

WORLD WAR  
II



OR

THE VIETNAM  
WAR



**Many of the soldiers fighting in the Vietnam War were too young to vote. The 26<sup>th</sup> Amendment moved the voting age from 21 to 18.**

# Are residents of Washington, D.C. banned from voting for the President?



OR

NO



The **23<sup>rd</sup>** Amendment was passed in **1961**. Now people can vote in **D.C!**

**Our earliest ideas about voting came from which country?**

~~FRANCE~~

OR

ENGLAND



**When the colonists came to America from England, they brought all of the ideas and customs along.**

