UNIT 5
The Individual, the Law, and the Internet

Participants in a Youth and Government mock debate, Senate Chambers, Austin, Texas
Be An Active Citizen

What laws protect property owners in your community? With a group of students, imagine you are all part owners of a grocery store. Someone slips and is injured in your store. Research the Internet and community laws to find out what problems you might or might not face in this situation. Report your findings to the class.
Identifying Cause and Effect

Learn It!

Almost everything that happens in life is based upon cause and effect. For example, if you strike a match (cause) a flame appears (effect). Clue words to look for are: *as a result* or *due to.*

- Read the sentences below.
- Identify the cause of the expansion of Roman Law.
- Identify one effect Napoleon had on Louisiana.

Napoleon updated the Justinian Code and called it the Napoleonic Code. Like the ancient Romans, Napoleon carried his laws to all the lands he controlled. One of those lands was Louisiana, an American territory which France eventually sold to the United States in 1803. The laws of the state of Louisiana are still based on the Napoleonic Code.

—from page 429

A chart like the one below will help you identify cause and effect.

| Cause: Napoleon conquered lands and brought the Napoleonic Code with him. |
| Effect: Louisiana adopted the Napoleonic Code |

If you can restate the ideas in a sentence using the word *because,* the writer is probably using cause and effect to explain what happened.
2 Practice It!

Read the following paragraph from this unit.
- Draw a chart like the one shown below.
- Identify one cause and effect from the paragraph to write in the chart.

In November 2000, residents of Palm Beach County in Florida filed, or registered, a civil lawsuit against the Palm Beach County Canvassing Board, their election authority. The residents argued that a flaw in the ballot format caused them to vote for candidates other than the candidate for whom they intended to vote. This civil suit led to a recounting of votes and reached the Supreme Court. The Court’s ruling led to George W. Bush’s winning the presidency in 2000.

— from page 449

3 Apply It!

Identify a cause and the resulting effects you can find in:
- Chapter 16, Section 2
- Chapter 17, Section 1

Read to Write Activity

Read the section titled “What Happens in a Civil Case” in Chapter 15, Section 2. Write a paragraph where you provide examples of actions people may take (causes) that might result in a civil law case (effect).
Why It Matters

The Constitution and the Bill of Rights contain important provisions, or laws, safeguarding the rights of Americans. In return, our system of laws gives American citizens a number of responsibilities.
Chapter 15

BIG Ideas

Section 1: Sources of Our Laws

Throughout history, civilizations have developed systems of laws to meet their needs. Our laws today can be traced back to early legal systems such as the Code of Hammurabi and English common law.

Section 2: Types of Laws

The Constitution of the United States establishes and protects the individual’s fundamental rights and liberties. A variety of laws protects people and their property, and helps settle disputes between parties.

Section 3: The American Legal System

The Constitution of the United States establishes and protects the individual’s fundamental rights and liberties. All Americans have basic constitutional legal rights and responsibilities as well as important protections if they are accused of a crime.

Evaluating Information Study Foldable

Make the following Foldable to help you evaluate the sources and types of American laws, and the rights and responsibilities they protect.

Step 1 Mark a point in the middle of the paper top to bottom. Fold in each side of the paper to meet that point.

Step 2 Unfold the paper and in the center section draw a T diagram.

Step 3 Label all three sections as shown.

Reading and Writing

As you read the chapter, make notes under each heading about main ideas, key terms, and supporting facts for each topic. Write a paragraph summarizing the types of laws in America.
Real World Civics In 2003 Kamala Harris made history, becoming the first woman and the first person of African and East Indian American descent to become a district attorney in the state of California. Now working as the district attorney in San Francisco, Harris represents activism in government. In addition to fighting crime, she works to protect children and improve their lives by pairing them with mentors. She also strives to protect the rights of immigrants, people living in poverty, women, and people of all races.

Kamala Harris uses her public office to improve the lives of citizens.
Functions of Laws

Main Idea  Laws are sets of rules that allow people in a society to live together.

Civics & You  Have you ever wondered why certain laws exist? Read to learn their purpose.

“If fire break[s] out in a house, and some one . . . take[s] the property of the master of the house, he shall be thrown into that self-same fire.”
—Code of Hammurabi, c. 1780 B.C.E.

Does this law strike you as harsh? It comes from the Code of Hammurabi, the first known system of written law.

What Should Laws Do?

Laws are sets of rules that allow people to live together. Laws affect nearly everything we do—the food we eat, how we drive our cars, how we buy and sell things, and even what happens when we are born and when we die. People, organizations, and governments can deal with one another because everyone knows which actions are permissible and which are not.

A major purpose of laws is to keep the peace and prevent violent acts. Laws set punishments that are meant to discourage potential, or future, criminals. Laws include the administration of justice in the form of law enforcement agencies (police) and courts. Laws also set the rules for resolving, or answering, disagreements over money, property, contracts, and other noncriminal matters.

What Makes a Law a Good Law?

Although not all laws are beneficial, good laws share certain characteristics. Good laws are fair. People in similar circumstances will be treated equally under the law.

Good laws are also reasonable. In England in the 1700s, a person who stole a loaf of bread might have had his or her hand cut off. Today such harsh punishment for a similar crime would be considered unreasonable.

Good laws must be understandable. If laws are too complicated, people may break them without meaning to or realizing it. Ignorance of a law is no excuse for not obeying it. If most people understand the laws and believe they are reasonable and fair, then they will tend to obey the laws.

Finally, good laws are enforceable by communities, state authorities, or federal authorities. The government’s ability to enforce a law often depends on the people’s willingness to obey it.

A Nation of Laws

When the writers of the Constitution created our government, they based the nation’s system of laws on ideas, traditions (customs), and laws passed down from generation to generation. Some of these ideas date back thousands of years.
**History of Law**

**Main Idea** Law systems of early societies influence us today.

**Civics & You** Have you ever seen a courtroom trial? Read more to find out how the judges’ rulings also help make law.

Legal scholars believe that some kind of law existed in even the earliest human societies. They trace its beginnings to prehistoric people, who used unwritten rules of behavior to help people avoid or cope with social conflict. These earliest laws were probably passed orally from one generation to the next. Later, people began to write down their laws.

**Code of Hammurabi**

The first known system of written law was the Code of Hammurabi. King Hammurabi of Babylonia, an ancient Middle Eastern empire, compiled his code in about 1760 B.C. By today’s standards, the Code of Hammurabi prescribed very harsh penalties.

Another set of early laws is the Ten Commandments found in the Hebrew Bible. Hebrews living in ancient Palestine followed these laws. Moral rules of the Commandments, such as “thou shalt not steal” and “thou shalt not kill,” are reflected in our laws today.

**Roman Law**

The first code of Roman law was published in 450 B.C. As in the Code of Hammurabi, Roman penalties for offenses were drastic by later standards. Over centuries the Roman senate adopted a great many laws, and Roman judges wrote commentaries on them, which often became part of the law.

**Roman Law Spreads** As the Roman Empire grew, its laws spread to Europe, Africa, and Asia. In A.D. 533 Emperor Justinian I, ruler of the Byzantine Empire, also known as the Eastern Roman Empire, boiled down the confusing mass of Roman laws into an orderly body of rules called the Justinian Code. This code became the basis of law for the Byzantine Empire. Roman law also became part of the laws of the Roman Catholic Church, known as canon law.

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**Development of Legal Systems**


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**Analyzing Time Lines**

1. **Identifying** What was the first-known written law?
2. **Describing** On what set of laws did Napoleon base his code of laws?
More than twelve hundred years after the Justinian Code was written, its ideas were taken over by the French emperor Napoleon Bonaparte. Napoleon updated the Justinian Code and called it the Napoleonic Code. Like the ancient Romans, Napoleon carried his laws to all the lands he controlled. One of those lands was Louisiana, an American territory which France eventually sold to the United States in 1803. The laws of the state of Louisiana are still based on the Napoleonic Code.

**English Law**

The most important source of American laws is English law. Perhaps the greatest contribution is the English system of common law, or law based on court decisions rather than on a legal code. In other words, it is a system of analyzing how a previous judge applied a law, and using it later in the same manner. After the Norman conquest of England in 1066, English kings sent judges into the countryside to hold trials and administer the law. When judges decided a new case, they looked in the books for a similar case and followed the earlier ruling, or precedent. Precedents are legal opinions that became part of the common law. English judges were familiar with Roman law and canon law, and they blended these into the body of common law. The law came to include basic principles of individual’s rights, such as trial by jury and the concept that people are considered innocent until proven guilty.

Although acts of Parliament—written statutes—came to dominate the English legal system, common law continued to have a strong influence. When English settlers came to North America in the 1600s and 1700s, they brought with them their traditions of common law and individual’s rights. The common-law tradition of following precedents still survives in our U.S. courts.

**Vocabulary**

1. **Define** the following terms and use them in sentences related to law and legal systems: common law, precedent, statute.

**Main Ideas**

2. **Explaining** What is the purpose of laws?

3. **Identifying** What are two early legal systems that have influenced the development of our laws?

**Critical Thinking**

4. **BIG Ideas** How did English law influence the development of American law?

5. **Making Comparisons** Using a graphic organizer like the one below, compare early systems of law.

**Examples of Kinds of Laws**

6. **Analyzing Visuals** Look at the time line on page 428. The U.S. Constitution was written about how many years after the Justinian Code was written?

**Activity**

7. **Expository Writing** John Adams wrote in 1779 that Massachusetts should have “a government of laws, and not of men.” What do you think he meant by this?
Real World Civics  Moviegoers are thrilled to watch a car chase on the screen . . . but real-life speeding is a crime. The state and federal governments set laws to help protect people from such crimes. In 1995 the national interstate speed limit of 55 miles per hour—which had been federally imposed in 1974 to save fuel—was lifted, and each state set its own speed limits. Most states raised their interstate limits to 65 or 70 miles per hour. Safety is an issue, but motorists have supported the higher speed limits.

A South Carolina highway crew “ups” the speed limit
**Main Idea** Criminal laws help maintain a peaceful and orderly society, while civil laws involve disputes between people or groups.

**Civics & You** What would you do if your bicycle were stolen? Read more to find out how our legal system handles such a case.

Most people are familiar with criminal laws, such as prohibitions, or bans, against drunk driving, robbing a store, or selling drugs. Other kinds of laws exist as well. Civil law is concerned with disputes between people (or groups of people) or between the government and its citizens. Public law concerns alleged violations of constitutional rights and disputes involving the actions of government agencies.

Two types of law affect Americans directly—criminal law and civil law. These laws help maintain a peaceful and orderly society. People who break these laws are likely to find themselves in a courtroom.

**Criminal Law**

Criminal laws seek to prevent people from deliberately or recklessly harming one another or one another’s property. American courts operate on an adversary system. Under this system, the courtroom serves as an arena in which lawyers for opposing sides try to present their strongest cases. The judge has an impartial role and should be fair to both sides. Critics of the adversary system argue that it encourages lawyers to ignore evidence that is not favorable to their sides. Supporters, though, claim that it is the best system to bring out the facts of a case.

In criminal cases, the government is always the plaintiff—the party that brings the charges against the accused. The basis for this tradition is that the American system of justice assumes that society—everyone—is the victim when a crime is committed.

**We Are All Victims** The individual or group accused of a crime is the defendant. About 95 percent of criminal trials in the United States are for violations of state laws. Most criminal cases are titled in terms of the

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**Felonies** Serious crimes, such as arson, burglary, and murder, are considered felonies. Arson is also categorized as a crime against property. **Identifying** What are other examples of crimes against property?
state against the defendant—for example, *State of California v. John Jones*. This way of naming cases shows that the government, rather than an individual crime victim, is bringing action against the defendant.

**Felonies and Misdemeanors** Crimes are graded as either [**felonies**](#) or [**misdemeanors**](#). Murder, rape, arson, robbery, and other serious crimes are felonies because they have serious consequences for the victim and the criminal. Misdemeanors are offenses such as vandalism or stealing inexpensive items. Typically, misdemeanors are punishable with a fine or a jail sentence of less than one year.

**Crimes Against Property** Crimes against property are the most common type of crime. The category of crimes against property includes crimes in which property is destroyed and crimes in which property is stolen or taken against the owner’s will. Arson and vandalism are examples of crimes involving the destruction of property.

There are other categories of crimes that involve taking property against the will of the owner. [**Larceny**](#) is the unlawful taking away of another person’s property with the intent never to return it. [**Robbery**](#) is the taking of property from a person’s possession by using force or threats, while [**burglary**](#) is the unlawful entry into any dwelling or structure with the intention to commit a crime.

**Civil Law**

Civil law is concerned with disputes between people or groups in which no criminal laws have been broken. These disputes are not viewed as a threat to the social order, so the state will not take legal action. When a civil case goes to court, it is called a [**lawsuit**](#). A lawsuit is a legal action whereby a person or group sues to collect damages for some harm that is done. Individuals who think they have been wronged must take action themselves by filing a lawsuit. The person suing is the plaintiff, while the person or organization being sued is the defendant.
What Happens in a Civil Case? Individuals believe they have lost something of value or suffered some damage because of someone else’s blameworthy actions. A case may be a dispute over a contract in which one party believes that the other has not fulfilled the terms of an agreement.

Suppose, for example, that you order something from a mail-order catalog and charge it to your credit card. The mail-order company has, in effect, made a contract with you. If you do not receive the merchandise, the mail-order company has broken the contract. If the company fails to return your money, you can take it to court.

Tort Law Civil law also covers torts, or civil wrongs. In tort law a person may suffer an injury and claim that another party is responsible because of negligence. Suppose, for example, that you slip on ice on your neighbor’s sidewalk and break a leg. According to your local law, property owners are responsible for keeping their sidewalks clear of ice. If your neighbor does not do this and you are injured as a result, you have a right to sue and recover, or get back, the costs of your medical treatment and other damages.

Family Law The basic social unit is the family. Not surprisingly, much civil law involves rules applied to the relationship between members of the family unit. The legality of marriage is regulated by state law. Typically, a state requires a person to be at least 18 years of age to be married unless there is parental consent. Typical family law cases involve divorce, child custody, adoption, alimony, child support, and spousal and child abuse.

Battles for Legal Rights

One of the earliest individuals to fight for people’s rights was John Peter Zenger (1697–1746). Zenger was a New York newspaper editor who, in 1732, published stories about the colony’s corrupt royal governor. At the time no newspapers had the freedom to criticize government officials. The governor charged Zenger with libel, the printing of false and damaging information, and threw him into jail. When the case came to trial in 1735, however, it took the jurors just 10 minutes to reach a “not guilty” verdict.

Another journalistic trailblazer was Ida Wells-Barnett (1862–1931). The daughter of slaves, she crusaded against lynching and for equal rights for all Americans. Her career was launched when she was forcibly removed from a railroad car reserved for whites in Memphis in 1884. For the rest of her life, she fought against segregation and for women’s rights. In 1909 she helped found the National Association for the Advancement of Colored People (NAACP).

Statutory Law Statutes are the source of many of our rights. The Americans with Disabilities Act states that employees are to be provided “reasonable accommodations” necessary to assist them in doing their jobs. Analyzing What would be “reasonable accommodations” for a person in a wheelchair?
Other Types of Law

Main Idea Laws protect your rights and enforce rules and statutes.

Civics & You When you buy a snack, do you ever worry it might contain ingredients that could make you sick? Read to find out what kind of law ensures that your snack is safe to eat.

Laws that govern our lives and protect our rights come from many sources. These are state and federal constitutions, administrative agencies, and lawmaking bodies.

Constitutional Law The Constitution is the most fundamental and important source of law in the United States. The term constitutional law applies to that branch of the law dealing with the formation, construction, and interpretation of constitutions. For the most part, cases involving constitutional law decide the limits of the government’s power and the rights of the individual.

Administrative Law If the Federal Aviation Administration issued an order requiring commercial airlines to install a new type of safety device, that would be an example of administrative law. Administrative law refers to the rules and regulations that the executive branch must make to carry out its job. It might include an individual charging a government agency with wrongdoing.

Statutory Law Recall from Section 1 that a statute is a law written by a legislative branch of government. The U.S. Congress, state legislatures, and local legislatures write thousands of these laws. Statutes regulate our behavior by setting speed limits and specifying rules for inspecting food products. Statutes are also the source of many of the rights and benefits we take for granted, such as the right to get a Social Security check, to enter a veterans’ hospital, to get a driver’s license, and to return merchandise you bought at a store.

Identifying What is an example of a statutory law?

Vocabulary
1. Define the following terms and use them in sentences related to different kinds of laws: plaintiff, defendant, felony, misdemeanor, larceny, robbery, burglary, lawsuit, tort, libel, constitutional law.

Main Ideas
2. Describing Give at least two reasons a person might file a civil lawsuit.
3. Classifying What does administrative law deal with? Why is administrative law considered part of public law?

Critical Thinking
4. BIG Ideas Which type of law that you have read about in this section do you feel has the greatest influence on your daily life? Why?
5. Organizing Information In a graphic organizer like the one below, give two examples of each kind of law.

<table>
<thead>
<tr>
<th>Criminal Laws</th>
<th>Civil Laws</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drunk driving</td>
<td></td>
</tr>
</tbody>
</table>

6. Evaluating Describe the contribution of either John Peter Zenger or Ida Wells-Barnett to the rights you enjoy today as an American.

Citizenship Activity
7. Creative Writing Write a newspaper article about an imaginary case involving one of the types of laws you read about in this section.

Study Central™ To review this section, go to glencoe.com.
Real World Civics  From watching television and movies, nearly everyone knows they have the right to remain silent when arrested. Do you know why it is called the Miranda warning? In 1963, Ernesto Miranda was arrested for kidnap and rape. During a two-hour interrogation, he confessed to the crime. He was never told that he could remain silent or that he had the right to an attorney, as provided by the Fifth and Sixth Amendments in the Bill of Rights. Miranda appealed his conviction, and in 1966 the Supreme Court ruled that his rights had been violated. Do you know your other rights that are guaranteed by the Constitution?

Defendant Ernesto Miranda (right) speaks with his attorney, 1967
Main Idea  All Americans have basic legal rights and responsibilities.

Civics & You  Have you ever thought a law was wrong or unfair? Read to find out what you can do about it.

Early settlers in the American colonies enjoyed a degree of liberty found in few countries in the eighteenth century. They owed their rights to legal principles that developed in England and were transferred to America with the colonists. Colonial lawyers studied from English law books, and judges used English common law as the basis for their decisions.

As in England, however, American law increasingly became a law of written statutes, which are the work of Congress and state legislatures. Although legislation has replaced common law, courts still refer to common-law principles when no statutes exist to deal with a given legal issue.

Individual Rights

The U.S. Constitution is the basic law of our nation. It gives each branch of government a role in making, enforcing, and interpreting, or defining, the law. The legislative branch of government makes the laws of the nation. The executive branch carries out these laws and, in doing so, makes laws as well. The judicial branch applies the law to specific cases. Courts base their rulings on written laws and on the precedents of earlier cases. The rulings are then used to build decisions about similar cases in the future. This process is called *stare decisis*, which is Latin for “let the decision stand.”

Several basic legal rights that belong to Americans are included in Article I of the Constitution. One of the most important is the *writ of habeas corpus*. A writ is a written legal order; *habeas corpus* is a Latin phrase that roughly means “you should have the body.” The writ of habeas corpus requires an official who has arrested someone to bring that person to court and explain why he or she is being held. This writ is a safeguard against being kept in jail unlawfully.

Article I also forbids enactment of *bills of attainder* and *ex post facto laws*. A bill of attainder is a law that punishes a person

### Constitutional Rights of the Accused

**ARTICLE I, SECTION 9**
- to be granted habeas corpus (released until trial)

**FIFTH AMENDMENT**
- to have a grand jury hearing
- to be protected from double jeopardy
- to refuse to answer questions that may be incriminating

**SIXTH AMENDMENT**
- to be informed of the accusation
- to hear and question witnesses
- to be able to subpoena witnesses
- to be represented by an attorney
- to have a speedy and public trial by an impartial jury
- to be represented by a lawyer

**FOURTEENTH AMENDMENT**
- to have due process of law
- to have equal protection of the laws

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**Analyzing Charts**

1. **Describing** What protections does the Fourteenth Amendment guarantee?
2. **Analyzing** How does due process of law limit what government can do?
accused of a crime without a trial or a fair hearing in court. An ex post facto law is a law that would allow a person to be punished for an action that was not against the law when it was committed.

**A Guarantee of Rights** The Constitution’s Bill of Rights further guarantees the freedoms of individuals. Several of these amendments spell out the rights of Americans in relation to the administration of justice. After the Civil War, Congress proposed and the states ratified the Fourteenth Amendment, extending these rights to formerly enslaved persons. The amendment also requires the states to provide equal protection under the law to all persons.

The Fifth and Fourteenth Amendments guarantee **due process of law**. Due process means, in part, that government may not take our lives, liberty, or property except according to the proper exercise of law. The law requires, for example, that accused people have the opportunity for a trial by jury.

The equal-protection clause in the Fourteenth Amendment requires governments to treat all people equally. It forbids unfair or unequal treatment based on **factors**, or influences such as gender, race, and religion. Since the 1950s, this clause has been the major civil rights tool of minorities and women when challenging laws or government policies that discriminate against them.

**Legal Responsibilities**

The Declaration of Independence states, “All men are created equal.” This democratic ideal of equality means that all people are entitled to equal rights and treatment before the law. Americans have a number of legal responsibilities. By fulfilling them, we ensure that our legal system works as it should and that our legal rights are protected.

**Reading Check** Explain what two amendments guarantee the due process of law?
Guaranteed Rights of Those Accused

Main Idea  The U.S. Constitution includes several protections for Americans accused of a crime.

Civics & You  Have you ever received a punishment that seemed too drastic for what you did wrong? Read to find out what the Constitution says about this.

The Constitution includes several specific rights that protect citizens accused of crimes. These rights make sure that accused people are treated fairly and receive every chance to defend themselves. Each right is based on the idea that a person is presumed, or believed to be, innocent until proven guilty in a court of law.

The Fourth Amendment

The Fourth Amendment protects citizens against "unreasonable searches and seizures." It gives Americans a fundamental right to be secure in their homes and property. Police seeking to intrude on this security must first get a search warrant—a judge’s authorization—specifying the exact place to be searched and describing what objects may be seized. Police must show the judge that they have probable cause—a good reason—that their search will prove useful. In the 1961 case Mapp v. Ohio, the Supreme Court adopted what is called the exclusionary rule. This rule says that if the police gain evidence in a way that violates the Fourth Amendment, that evidence may not be used in a trial.

The Fifth Amendment

The Fifth Amendment states that "no person . . . shall be compelled in any criminal case to be a witness against himself." This means that a person does not have to answer questions that may incriminate that person, or show his or her involvement in a crime. Before the 1960s, police often questioned suspects, sometimes under great pressure, to push them to confess to a crime before they saw a lawyer or appeared in court.

In 1966, in Miranda v. Arizona, the Supreme Court held that police must inform suspects that they have the right to "remain silent"—to refuse to answer police questions. Ernesto Miranda claimed he had not realized he had the right to remain silent or to have a lawyer present during police questioning. Now every person who is arrested hears the Miranda warnings, familiar from TV police programs.

Enforcing Laws  An arrested person is taken to a police station where the charges are recorded. At this time, the suspect may be fingerprinted, photographed, or put in a lineup to be identified by witnesses. Explaining What are the Fifth Amendment rights of a person accused of a crime?
The Fifth Amendment also protects an accused person from **double jeopardy.** This means that a person who is tried for a crime and found not guilty may not be placed in jeopardy—put at risk of criminal penalty—a second time by being retried for the same crime.

**What Is a Grand Jury?** The Fifth Amendment says, furthermore, that people accused of serious federal crimes must be brought before a **grand jury** to decide whether the government has enough evidence to bring them to trial. (In some states, a preliminary hearing is used instead of a grand jury indictment.) A grand jury is a group of 12 to 23 citizens that hears evidence presented by a prosecutor. It decides whether there is enough evidence to indicate that the accused has committed a crime. If the grand jury finds sufficient evidence to proceed to trial, it indicts the accused person, or issues a formal charge that names the suspect and states the charges against him or her.

**The Sixth Amendment**

The Sixth Amendment grants an accused person the right to be defended by a lawyer. In 1963 the Supreme Court, in *Gideon v. Wainwright,* interpreted the amendment to mean that if a defendant cannot afford a lawyer, the state must provide one. Previously the federal government provided lawyers for poor defendants, but some states did not if the case did not involve capital punishment.

The Sixth Amendment also guarantees that accused people must be informed of the nature and cause of the accusations against them and have “the right to a speedy and public trial, by an impartial jury” and the right to confront, or question, witnesses against them. This right protects defendants against being held in jail for an unreasonably long time. It also means that trials usually may not be closed to the public or the news media.

**Right to a Trial** A person accused of a crime also has the right to a trial by an impartial jury. *Impartial* means that jury members will be people who do not know anyone involved in the case and have not already made up their minds about the case. Jury members usually must be drawn from the area where the crime was committed.

Although everyone charged with a crime has a right to a jury trial, defendants may choose to appear before only a judge, without a jury. This kind of trial is called a bench trial.
Even so, many criminal prosecutions do not come to trial at all—with or without a jury—because of plea bargains. **Plea bargaining** is a negotiation between the defense attorney and the prosecutor, who is the government’s attorney.

In a plea bargain, the government offers the defendant a chance to plead guilty to a less serious crime in exchange for receiving a less severe penalty than he or she might receive at trial. A judge must agree to any bargain. Plea bargains can cut down on the expense and time of a trial. They also help judges handle the volume of criminal cases that courts process.

**The Eighth Amendment**

The Eighth Amendment outlaws “cruel and unusual punishments.” Also, a punishment may not be out of proportion to the crime, such as imposing a life sentence for shoplifting. There is controversy, however, over how this protection relates to the death penalty. In 1972 the Supreme Court ruled in *Furman v. Georgia* that the death penalty as then administered was not constitutional. The Court found that the death penalty was being imposed in unfair ways, for a wide variety of crimes, and mainly on African Americans and poor people.

After the *Furman* decision, most states revised their death penalty laws to comply with the Supreme Court’s guidelines. Some states have established a two-stage process to deal with death penalty cases. First, a jury trial determines the guilt or innocence of the defendant. A separate hearing then determines the degree of punishment.

**What Is Bail?** The Eighth Amendment also prohibits “excessive bail.” **Bail** is a sum of money an arrested person pays to a court to win release from jail while awaiting trial.

In determining the amount of bail, the judge considers the seriousness of the case, the criminal record of the accused, and the ability of the accused to post bail.
Sources of Our Laws

- The set of rules and standards by which a society governs itself is known as law.
- Laws keep the peace and prevent violent acts.
- Laws set punishments and rules for resolving disputes.
- To be fully effective, laws must be fair and must treat all people equally.

Early Systems of Law

- The earliest laws were probably passed from one generation to the next by word of mouth.
- Early laws, such as the Code of Hammurabi, the Ten Commandments, Roman law, and English law, have influenced our laws today.

Emergency personnel provide help at an accident scene

The American Legal System

- The Constitution is our most fundamental and important source of law.
- Many types of law exist, including criminal and civil law.
- Whereas criminal law deals with criminal acts, civil law deals with disputes between people or groups.
- Article I of the U.S. Constitution and the Bill of Rights include several protections for those accused of a crime.
Chapter 15

North Carolina End-of-Course Test
Civics and Economics Practice

TEST-TAKING TIP
Make sure the number of answer spaces on the answer sheet matches the number of questions on the test you are taking.

Reviewing Vocabulary
Directions: Choose the word(s) that best completes the sentence.

1. The system of _____ law is based on court decisions rather than on a legal code.
   A criminal  C administrative
   B constitutional D common

2. The system of civil law dealing with civil wrongs, or _____ has a long history.
   A torts  C libels
   B felonies D plaintiffs

3. A person charged with a crime and tried in court is the _____.
   A plaintiff C tort
   B defendant D judge

4. A _____ is a negotiation between the prosecutor and defense attorney to avoid a trial.
   A verdict C plea bargaining
   B due process of law D search warrant

5. The oldest system of laws known to the modern world is the _____.
   A Justinian Code
   B Napoleonic Code
   C Roman Code
   D Code of Hammurabi

Section 2 (pp. 430–434)

7. A crime that is considered less serious and requires a short jail sentence is a _____.
   A misdemeanor
   B felony
   C plaintiff
   D lawsuit

8. Which of the following might result in a lawsuit?
   A A person is attacked and a wallet is stolen.
   B A person has his or her garage painted with graffiti.
   C A company breaks a contract to build someone’s house.
   D A person is hit by a hit-and-run driver.

Section 3 (pp. 435–440)

9. With a writ of habeas corpus, the person arrested has a right to know _____.
   A why he or she is being held
   B who the prosecutor is
   C who brought the lawsuit against him or her
   D how many people will be on his or her jury
Critical Thinking

Directions: Choose the best answer for each question.

Base your answers to questions 10 and 11 on the chart below and your knowledge of Chapter 15.

<table>
<thead>
<tr>
<th>Misdemeanors and Felonies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor crimes and misdemeanors are tried in the lower state courts.</td>
</tr>
<tr>
<td>- Running a red light</td>
</tr>
<tr>
<td>- Littering</td>
</tr>
<tr>
<td>- Shoplifting small items</td>
</tr>
<tr>
<td>- Vandalism</td>
</tr>
<tr>
<td>Felonies are tried in the higher state courts.</td>
</tr>
<tr>
<td>- Murder</td>
</tr>
<tr>
<td>- Arson</td>
</tr>
<tr>
<td>- Robbery</td>
</tr>
<tr>
<td>- Drug trafficking</td>
</tr>
</tbody>
</table>

10. What type of law deals with the examples in this chart?
   A  civil law  
   B  criminal law  
   C  constitutional law  
   D  administrative law 

11. Which of the following offenses would most likely be punished with a fine?
   A  arson  
   B  murder  
   C  robbery  
   D  littering 

Document-Based Questions

Directions: Analyze the following document and answer the short-answer questions that follow.

Warren E. Burger served as Chief Justice of the U.S. Supreme Court from 1969–1985—longer than any other justice in the twentieth century. Here he speaks about the right to a trial.

A far greater factor than abolishing poverty [to stop crime] is the deterrent effect of swift and certain consequences: swift arrest, prompt trial, certain penalty and—at some point—finality of judgment.

—Justice Warren E. Burger

12. To which Constitutional amendment is Justice Burger referring in this statement?
   A  First Amendment  
   B  Fourth Amendment  
   C  Fifth Amendment  
   D  Sixth Amendment 

13. Do you agree with Justice Burger in his statement? Why or why not?

Informational Writing

14. Briefly explain what makes a law a good law. Give at least three characteristics.
How the Influx Is Changing the U.S.

Illegal immigrants in the U.S. are largely from Mexico ...

<table>
<thead>
<tr>
<th>Country or region of birth of illegal immigrants in the U.S., March 2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>MEXICO 57%</td>
</tr>
<tr>
<td>OTHER lMEICA 24%</td>
</tr>
<tr>
<td>ALL OTHER 19%</td>
</tr>
</tbody>
</table>

... Their numbers are growing ...

Millions of illegal Mexican immigrants living in the U.S.

... and they are sending more and more money back home

Billions of dollars received monthly in Mexico from immigrants in the U.S.

PROFILE OF IMMIGRATION

1 in 10
Proportion of Mexicans born in Mexico who now reside in the U.S.

80% to 85%
Percentage of new immigrants from Mexico who lack legal documentation

$9
Median hourly wage of Mexican-born workers in the U.S. in 2004

$1.86 (21 pesos)
Median hourly wage in Mexico in 2004

$450 billion
Estimated combined annual gross income of all U.S. workers born in Latin America, of both legal and illegal immigration status, according to a 2004 report*

93%
Percentage of that $450 billion that was spent in the U.S.*

*From the Inter-American Development Bank

Sources: Pew Hispanic Center; National Immigration Law Center; National Conference of State Legislatures; INEGI Instituto Nacional de Estadistíca, Geografía e Informática

In the absence of national legislation, lawmakers are formulating local statutes

Fed up with all the Congressional talk and the lack of national legislation on immigration, lawmakers in cities across the U.S. have been taking matters into their own hands. To deter illegal immigrants from coming to town, they've been passing local laws. In Vista, California, a new ordinance requires employers to register with the city before using day laborers, many of whom are illegal immigrants. They must also report whom they hire. The coal town of Hazleton, Pennsylvania (population 31,000), passed the nation’s toughest illegal-immigration law in 2006. Hazleton’s regulations impose fines on employers who knowingly hire illegal immigrants and on landlords who rent to them. “Our quality of life is at stake, and I’m not going to sit back and wait for the Federal Government to do something about it,” said Mayor Louis Barletta. “I know that other cities across the country feel the same way.”

The Puerto Rican Legal Defense and Education Fund filed a lawsuit to overturn Hazleton’s ordinance, which Cesar Perales, president of the New York City-based advocacy group, calls “unconstitutional and discriminatory.” Perales cites a legal analysis by the bipartisan Congressional Research Service that suggests Hazleton’s ordinance, by creating penalties for those who aid immigrants, may be trampling on an area of law that is under federal jurisdiction. “You can’t have every little town deciding the conditions under which illegal immigrants are going to live there,” he says. For now, at least, some communities seem determined to try.

ON THE JOB Landscaping attracts immigrants, both legal and illegal, in East Hampton, New York, a wealthy community on Long Island.
About 6.3 million illegal immigrants from Mexico live in the U.S., according to the Pew Hispanic Center, and an average of 485,000 more arrive every year. In response, state legislatures considered nearly 300 bills on immigration policy in the first half of 2005 alone, but passed just 47. While some states address the challenges facing migrant workers with families, others are trying to crack down on illegal immigration.

**SUPPORTIVE LEGISLATION**

- **Washington State**: Reversed a 2002 measure and restored health-care coverage to children regardless of their immigration status.
- **Idaho**: Rejected a bill that would have required counties to pay for transportation of undocumented workers back to their home countries.
- **Illinois**: Governor Rod Blagojevich set up an office to study immigrants’ contributions and needs; a new law allows illegal immigrant children to obtain health insurance.
- **New Mexico**: Became the ninth state to extend in-state tuition benefits to undocumented immigrant students.

**CRACKING DOWN**

- **Virginia**: A recent bill would make it the first state to prohibit illegal immigrants from attending state colleges; a new law restricts other benefits.
- **South Carolina**: A bill passed the state house and senate requiring Medicaid applicants to present proof of legal residency if asked.
- **Kentucky**: Enacted a law requiring anyone seeking licenses for various professions to show proof of immigration status.
- **Arizona**: Passed a law prohibiting cities from maintaining public day-laborer centers, where migrant workers congregate to seek employment.

**TIME POLL**

A majority say illegals are a real problem ...

<table>
<thead>
<tr>
<th>How serious is illegal immigration into the U.S.?</th>
<th>Extremely</th>
<th>Very</th>
<th>Somewhat</th>
<th>Not very</th>
</tr>
</thead>
<tbody>
<tr>
<td>30%</td>
<td>34%</td>
<td>26%</td>
<td>8%</td>
<td></td>
</tr>
</tbody>
</table>

83% are concerned that providing social services for illegal immigrants costs taxpayers too much.

71% are concerned that illegal immigrants increase crime.

56% think illegal immigrants are taking jobs that citizens don’t want

... although few say they are personally affected ...

<table>
<thead>
<tr>
<th>Do you pay less for some items or services because of low-wage illegal-immigrant labor?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>30%</td>
<td>71%</td>
<td></td>
</tr>
</tbody>
</table>

61% said they have had some kind of contact with people they believed to be illegal immigrants.

5% said they had hired someone they thought might be illegal to work around the house.

14% said they had hired a contractor or company that may have used illegal immigrants.

... they still want more done about it ...

<table>
<thead>
<tr>
<th>Is the government doing enough to keep illegal immigrants from entering the U.S.?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>30%</td>
<td>71%</td>
<td></td>
</tr>
</tbody>
</table>

50% said all illegal immigrants should be deported, but:

76% think illegal immigrants should be able to earn citizenship.

73% favor guest-worker registration for those already here.

64% favor issuing temporary work visas for seasonal work.

*Includes 7% who think the government is doing “too much.”

This TIME poll was conducted by telephone Jan. 26-28, 2006 among 1,002 adult Americans by SRBI Public Affairs. The margin of error is 3 percentage points. “Don’t know” answers omitted.