

Chapter Summary

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Citizens And The Law

Lesson 1 *Sources and Types of Law*

- Laws should be fair, reasonable, understandable, and enforceable.
- Laws have existed for thousands of years. The Code of Hammurabi (about 1760 B.C.) is the earliest example of a written code of law.
- Roman laws were published in 450 B.C. and spread to parts of Europe, Africa, and Asia.
- In the 1800s, many places, including the state of Louisiana, based their laws on the Napoleonic Code.
- English common law, a system based on court decisions, is the most important influence on the American legal system.
- Criminal law seeks to protect public safety, and civil law concerns disputes between individuals. Military law applies to those serving in the armed forces and civilians who work for the military.
- Sources of law include the U.S. Constitution, state constitutions, statutes, case law, and administrative agencies.
- Case law is established by a judge's decision. Administrative law is the rules and regulations made by state and federal agencies, such as the FAA.

Lesson 2 *The American Legal System*

- Article I of the Constitution requires prison officials to bring prisoners before a judge to determine whether imprisonment is justified (writ of habeas corpus).
- Article I prohibits punishing an accused without a fair trial (bill of attainder) and enacting laws that punish people retroactively (ex post facto laws).
- The Fourteenth Amendment guarantees all citizens equal protection of the law regardless of gender, race, or religion. It also prohibits the government from taking life, liberty, or property without due process of law.
- The Fourth Amendment requires that law enforcement officials show probable cause and get a court order (search warrant) before searching a citizen's property.

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Lesson 2 *The American Legal System, Cont.*

- The Fifth Amendment protects an accused from testifying against himself or herself. It also protects against double jeopardy and entitles people accused of serious crimes to a grand jury hearing.
- In *Miranda v. Arizona*, the Supreme Court ruled that police officers must inform an accused of his or her rights before questioning.
- Under the Sixth Amendment, an accused person is entitled to a lawyer and to a speedy and public trial.
- The Eighth Amendment prohibits "cruel and unusual punishment."