

Chapter 3

3.1 Self Check

How does the U.S. Constitution influence federal and state law?

The U.S. Constitution provides for certain rights and limitations that cannot be changed by federal or state law. All of the due process protections contained in the Bill of Rights affect federal laws, and most of them affect state laws.

3.2 Self Check

1. Why are *ex post facto* laws considered unconstitutional? Do you agree? Why or why not?

These laws are unconstitutional because they do not provide fair notice that a certain action is a crime by legally making it a criminal act. Most people agree that they should be unconstitutional, although there are certain egregious situations (such as new types of Internet-related fraud or sexual offenses) that may make you feel that certain exceptions should exist.

2. How do due process and equal protection protect people's rights?

Due process ensures that suspects and defendants are innocent until proven guilty by a series of procedures; it provides protections that they will not lose their lives or liberty until their guilt has been proven beyond a reasonable doubt. Equal protection ensures that all citizens receive the same level of protection.

3.3 Self Check

1. Which Amendment of the Bill of Rights do you feel is most important to one's fundamental rights? Why?

Any of the Amendments discussed in this chapter is an acceptable answer, but make sure that you completely understand their meanings. For example, many people prefer the Fourteenth Amendment for providing for due process and equal protection, and others like the First Amendment's protection of basic freedoms.

2. Why is the right to privacy controversial in American society?

It is controversial because religious activists throughout the centuries have attempted (with some success) to impose their beliefs on others regarding their sexuality, right to bear a child, and other matters. Also, since the right to privacy is not explicitly provided for in the Constitution, its definition is somewhat open to interpretation.