



Fundamental Freedoms?

Directions: Read the list of Amendments and Freedoms in the right column. Determine if the freedom is a fundamental freedom. In the second column, circle "Yes" if it is a fundamental freedom, and circle "No" if it is not. Use **Handout D: Incorporation Cases** to determine which of these freedoms have been incorporated against the states. Circle "Yes" or "No" in the column.

AMENDMENT AND FREEDOMS	FUNDAMENTAL FREEDOM?	INCORPORATED?
First Amendment		
1. No established religion	YES NO	YES NO
2. Free exercise of religion	YES NO	YES NO
3. Freedom of speech	YES NO	YES NO
4. Freedom of the press	YES NO	YES NO
5. Freedom to assemble	YES NO	YES NO
6. Freedom to petition the government	YES NO	YES NO
7. Freedom to associate (an additional right inferred by the Court)	YES NO	YES NO
Second Amendment		
1. Right to keep and bear arms	YES NO	YES NO

AMENDMENT AND FREEDOMS	FUNDAMENTAL FREEDOM?	INCORPORATED?
Third Amendment		
1. No quartering of soldiers	YES NO	YES NO
Fourth Amendment		
1. No unreasonable searches or seizures	YES NO	YES NO
2. No warrants issued without probable cause	YES NO	YES NO
3. Freedom from punishment based on unlawfully seized evidence (an additional right inferred by the Court)	YES NO	YES NO
Fifth Amendment		
1. Right to indictment by a Grand Jury	YES NO	YES NO
2. No double jeopardy [being tried for the same crime twice]	YES NO	YES NO
3. Right to not have to testify against oneself	YES NO	YES NO
4. Not deprived of life, liberty, or property without due process.	YES NO	YES NO
5. Private property shall not be taken for public use without just compensation [payment]	YES NO	YES NO

AMENDMENT AND FREEDOMS	FUNDAMENTAL FREEDOM?	INCORPORATED?
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Sixth Amendment		
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1. Speedy and public trial	YES NO	YES NO
2. Trial by an impartial jury	YES NO	YES NO
3. Trial held in the district where the crime was allegedly committed	YES NO	YES NO
4. Informed of the accusation [why one is being charged]	YES NO	YES NO
5. Confronted by witnesses	YES NO	YES NO
6. Have witnesses in you favor	YES NO	YES NO
7. Have counsel [lawyer] for defense	YES NO	YES NO

Seventh Amendment		
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1. Jury trial preserved in cases valued over \$20	YES NO	YES NO
2. If the facts of a case are determined by a jury, those facts cannot be overturned by another court	YES NO	YES NO

Eighth Amendment		
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1. No excessive bail	YES NO	YES NO
2. No excessive fines	YES NO	YES NO
3. No cruel or unusual punishment	YES NO	YES NO