Question 4

7 points

Part (a): 1 point

One point is earned for a correct description of the difference between civil rights and civil liberties. The response must include both of the following:

- Civil rights protect groups from discrimination.
- Civil liberties protect individuals from government actions.

Part (b): 1 point

One point is earned for a correct identification of the equal protection clause.

Part (c): 2 points

One point is earned for a correct description of a specific legislative action that extended civil rights to each of the following:

- Women: right to vote; equal pay for equal work; equality in academics and athletics; laws expanding role of women in the military, etc.
- Persons with disabilities: public accommodations; educational accommodations, etc.

Part (d): 1 point

One point is earned for a correct identification of the due process clause.

Part (e): 2 points

One point is earned for each of two accurate explanations of how civil liberties were incorporated by the Supreme Court by the following cases:

- *Gideon v. Wainwright* — right to an attorney for indigents
- *Mapp v. Ohio* — illegally seized evidence cannot be used in court; exclusionary rule
- *Miranda v. Arizona* — must be informed of rights: no self-incrimination; right to counsel, etc.

NOTE: The response must include reference to incorporation (i.e., application to the states or police action)

A score of zero (0) is assigned to an answer that is off-task or is attempted but earns no points.

A score of dash (—) is assigned to an answer that is blank.
4. The Fourteenth Amendment protects civil rights and civil liberties.

(a) Describe the difference between civil rights and civil liberties.

(b) Identify the primary clause of the Fourteenth Amendment that is used to extend civil rights.

(c) Describe a specific legislative action that extended civil rights to each of the following.
   - Women
   - Persons with disabilities

(d) Identify the primary clause of the Fourteenth Amendment that is used to extend civil liberties.

(e) Explain how civil liberties were incorporated by the Supreme Court in two of the following cases.
   - *Gideon v. Wainwright*
   - *Mapp v. Ohio*
   - *Miranda v. Arizona*

---

a) Civil rights pertain to getting rights for those who have been discriminated against.
   Civil liberties are things that everyone is entitled to, such as the right to remain silent.

b) The Equal Protection Clause is used to extend civil rights because no one shall be discriminated against based on skin color or race.

c) The 19th Amendment gave women the right to vote which extended their civil rights as they had been discriminated against for years because of their sex.
gender. A law was passed forcing all public places to provide accommodations for those with disabilities. They have to have ramps or elevators for people in wheelchairs. Schools have to have specific teachers and classes that can help those with mental or physical disabilities.

d) The Fourteenth Amendment is used to extend civil liberties.

e) In Miranda v. Arizona the Supreme Court decided that when someone is arrested the police have to explain that person's rights to them. All people arrested have the same rights, no one is given special treatment. In Mapp v. Ohio the Supreme Court decided that a person...
4. The Fourteenth Amendment protects civil rights and civil liberties.
   (a) Describe the difference between civil rights and civil liberties.
   (b) Identify the primary clause of the Fourteenth Amendment that is used to extend civil rights.
   (c) Describe a specific legislative action that extended civil rights to each of the following.
      - Women
      - Persons with disabilities
   (d) Identify the primary clause of the Fourteenth Amendment that is used to extend civil liberties.
   (e) Explain how civil liberties were incorporated by the Supreme Court in two of the following cases.
      - Gideon v. Wainwright
      - Mapp v. Ohio
      - Miranda v. Arizona

   Cannot self-incriminate themselves. They do not take the stand against themselves.
4. The Fourteenth Amendment protects civil rights and civil liberties.
   (a) Describe the difference between civil rights and civil liberties.
   
   (b) Identify the primary clause of the Fourteenth Amendment that is used to extend civil rights.
   
   (c) Describe a specific legislative action that extended civil rights to each of the following.
   
   - Women
   
   - Persons with disabilities
   
   (d) Identify the primary clause of the Fourteenth Amendment that is used to extend civil liberties.
   
   (e) Explain how civil liberties were incorporated by the Supreme Court in two of the following cases.
   
   - Gideon v. Wainwright
   
   - Mapp v. Ohio
   
   - Miranda v. Arizona
   
   Civil rights mentioned in the Fourteenth Amendment are rights that have been written down and granted to individuals. Civil liberties are liberties that are implied by the constitution but are not written. The primary clause of the fourteenth amendment that is used to extend civil rights is the due process clause. The due process gives civil liberties to individual and makes the fourteenth amendment apply to the states.

   The civil right act of '64 and the equal pay act of '62 have extended civil rights to women. This prohibited discrimination in public areas and workforce and also makes sure that women and men doing similar jobs are paid the same. The disability act of 1963 gave children with disabilities the entitlement of an equal opportunity to learn and get education. The civil right act of '64 (title VII) prohibited discrimination against disability in public accommodation and the workforce. The clause was to extend civil liberties in the elastic or necessary and proper clause.

   In Mapp v. Ohio, the police entered Mapp's home without a search warrant and obtained obscene material in
her possession that would be used in trial. The court struck down the
conviction because the evidence had been obtained illegally. Her 1st
4th, and 14th amendment were violated. This court case led to the
exclusionary rule which excluded any evidence obtained illegally to
be used in trial. It also incorporated the 4th into the 14th amendment
making it apply to the states and civil liberties to individuals, protected
under the 14th amendment.

In Miranda v. Arizona, Miranda was not told of his 5th amendment right when he was arrested and not given an attorney
when under question. The court struck this down and incorporated
the 5th into the 14th amendment, making it apply to the
states. They also guaranteed civil liberties of the individual by giving
them a right to a speedy trial and to have their rights read
 to them without before being arrested such as the "right to
remain silent anything they say can and will be held against
them in a court of law."
4. The Fourteenth Amendment protects civil rights and civil liberties.
   (a) Describe the difference between civil rights and civil liberties.
   (b) Identify the primary clause of the Fourteenth Amendment that is used to extend civil rights.
   (c) Describe a specific legislative action that extended civil rights to each of the following.
   - Women
   - Persons with disabilities
   (d) Identify the primary clause of the Fourteenth Amendment that is used to extend civil liberties.
   (e) Explain how civil liberties were incorporated by the Supreme Court in two of the following cases.
   - Gideon v. Wainwright
   - Mapp v. Ohio
   - Miranda v. Arizona

A.) The difference between civil rights and civil liberties is that civil rights are protecting the rights of big groups such as women's rights, or homosexuals' rights. Civil liberties protect the liberties of individual people. For example, a woman's civil liberties are violated if it is pertaining to only her.

B.) The primary clause of the Fourteenth Amendment protects the extension of civil rights to example, women have as much right to vote as men do. Protect big groups.

C.) A specific legislative action that extended civil rights to women was when they were granted the right to vote. (suffrage) Even though not many women showed up to voting polls after this was passed, they were still allowed to vote. Persons with disabilities, depending on the disability, should have the same amount of...
D) Every individual shall be protected under the U.S. constitution. The 1st amendment people are granted the freedom of speech.

E) Mapp v. Ohio incorporated civil liberties becuase it was Mapp (the individual) against the state so these cases having to do with individual liberties. Miranda v. Arizona also deals with civil liberties because because Miranda was being tried against the state & civil liberties were being violated.
Question 4

Overview

This question examined the students’ knowledge of the Fourteenth Amendment’s protection of civil rights and civil liberties. Part (a) asked students to describe the difference between civil rights and civil liberties. In part (b) the students were asked to identify the primary clause of the Fourteenth Amendment that is used to extend civil rights. In part (c) the students were asked to describe specific legislative actions that extended civil rights to women and persons with disabilities. Part (d) required students to identify the primary clause of the Fourteenth Amendment that is used to extend civil liberties. In part (e) the students were asked to explain how civil liberties were incorporated by the Supreme Court in two of the following three cases: *Gideon v. Wainwright, Mapp v. Ohio,* and *Miranda v. Arizona.*

Sample: 4A
Score: 6

In part (a) the response earned 1 point for describing the difference between civil rights and civil liberties by stating, “Civil rights pertains to getting rights for those who have been discriminated against. Civil liberties are things that everyone is entitled to.”

In part (b) the response earned 1 point for identifying the primary clause of the Fourteenth Amendment that is used to extend civil rights by stating, “The Equal Protection clause is used to extend civil rights.”

In part (c) the response earned 2 points. The first point was earned for describing a specific legislative action that extended civil rights to women by stating, “The 19th Amendment gave women the right to vote which extended their civil rights.” A second point was earned for describing a specific legislative action that extended civil rights to persons with disabilities by stating, “A law was passed forcing all public places to provide accommodations for those with disabilities.”

In part (d) the response earned 1 point for identifying the primary clause of the Fourteenth Amendment that is used to extend civil liberties by stating, “The due process clause is used to extend civil liberties.”

In part (e) the response earned 1 point for explaining how civil liberties were incorporated by the Supreme Court in the case *Miranda v. Arizona* by stating that “when someone is arrested the police have to explain that person’s rights to them.” The response did not earn a second point for a correct explanation of incorporation in *Mapp v. Ohio.* The response incorrectly identifies *Mapp v. Ohio* by stating “that a person cannot self incriminate themselves.” It also does not include a correct explanation of incorporation.

Sample: 4B
Score: 4

In part (a) the response did not earn a point for describing the difference between civil rights and civil liberties. It stated, “Civil rights mentioned in the Fourteenth Amendment are rights that have been written down and granted to individuals.”

In part (b) the response did not earn a point for identifying the primary clause of the Fourteenth Amendment that is used to extend civil rights. It incorrectly stated that the primary clause “is the due process clause.”
In part (c) the response earned 2 points. It earned 1 point for describing a specific legislative action that extended civil rights to women by stating, “This prohibited discrimination in public areas and workforce, and also makes sure that women and men doing similar jobs are paid the same.” The response earned 1 point for describing a specific legislative action that extended civil rights to persons with disabilities as an act that “prohibited discrimination against disability in public accommodations and the workforce.”

In part (d) the response did not earn a point for identifying the primary clause of the Fourteenth Amendment that is used to extend civil liberties. It stated that the primary clause was “the elastic or necessary and proper clause.”

In part (e) the response earned 2 points. The first point was earned for explaining how civil liberties were incorporated by the Supreme Court in the case *Mapp v. Ohio* by stating that “police entered Mapp’s home without a search warrant. … This court case led to the exclusionary rule … making it apply to the states.” A second point was earned for explaining how civil liberties were incorporated by the Supreme Court in the case *Miranda v. Arizona* by stating, “[Miranda] was arrested and not given an attorney when under question. The court struck down and incorporated the 5th into the 14th amendment, making it apply to the states.”

**Sample: 4C**
**Score: 2**

In part (a) the response earned 1 point for describing the difference between civil rights and civil liberties by stating that “civil rights are protecting the rights of big groups such as woman’s rights, [sic] or homosexuals [sic] rights. Civil liberties protect the liberties of individual people.”

In part (b) the response did not earn a point for correctly identifying the primary clause of the Fourteenth Amendment that is used to extend civil rights. It describes the clause without a correct identification.

In part (c) the response earned 1 point for describing a specific legislative action that extended civil rights to women by stating, “A specific legislation action that extended civil rights to women was when they were granted the right to vote.” The response did not earn a point for describing a specific legislative action that extended civil rights to persons with disabilities. “[B]enefits from the government” is not specific legislative action.

In part (d) the response did not earn a point for correctly identifying the primary clause of the Fourteenth Amendment that is used to extend civil liberties. It describes the clause without a correct identification.

In part (e) the response did not earn any points for explaining how civil liberties were incorporated by the Supreme Court in two of the cases provided. The response does not correctly explain the details of the cases — *Mapp v. Ohio* and *Miranda v. Arizona* — nor does it explain how the Supreme Court incorporated civil liberties in these two cases.