

SELECTIVE INCORPORATION

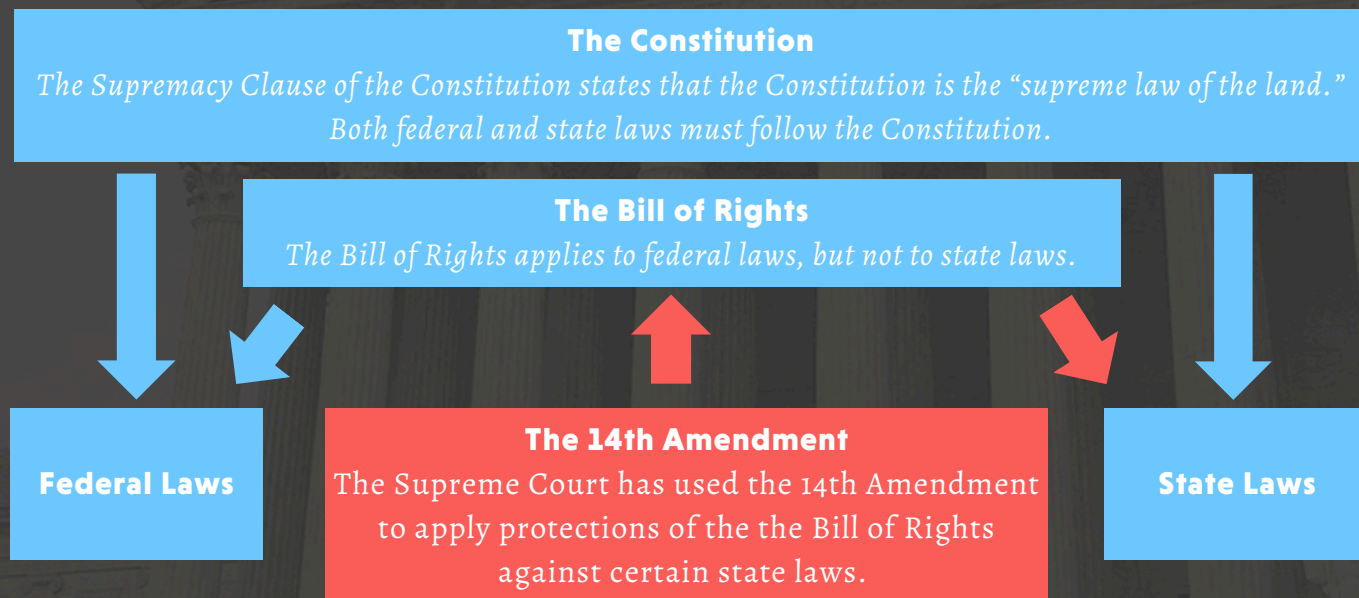
OF THE BILL OF RIGHTS



WHAT IS SELECTIVE INCORPORATION?

Selective incorporation is the case-by-case application of the Bill of Rights to the states through the 14th Amendment. It is used to limit state regulations that may infringe on civil rights and liberties. When the Bill of Rights was added to the Constitution in 1791, its protections only applied to the federal government, not the state governments. Then, during Reconstruction, Congress ratified the 14th Amendment, extending equal protection and due process to all persons in the United States in 1868.

HOW DOES IT WORK?



14TH AMENDMENT

DUE PROCESS CLAUSE

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Example Cases

If a state law violates civil liberties under the Due Process Clause of the 14th Amendment, the Supreme Court can limit the state's power by extending protections from the Bill of Rights. The chart below shows examples of cases and the amendment they incorporated.

1st	<i>Gitlow v. New York</i> (1925) Freedom of speech	5th	<i>Miranda v. Arizona</i> (1966) Protection from self-incrimination
2nd	<i>McDonald v. Chicago</i> (2010) Right to bear arms	6th	<i>Gideon v. Wainwright</i> (1963) Right to a lawyer
4th	<i>Mapp v. Ohio</i> (1961) Exclusionary Rule	8th	<i>Robinson v. California</i> (1962) Ban on cruel and unusual punishment

The 3rd, 7th, 9th, and 10th Amendments are not incorporated.

