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May 6, 1974

MEMORANDUM FOR MR. HELFER

SUBJECT: Constitutional Rights Made Applicable to the States under the Fourteenth Amendment

Pursuant to your request, listed below are those Amendments to the Constitution which have been made applicable to the States under the Fourteenth Amendment.

First Amendment:

Cantwell v. Conn., 310 U.S. 296 (1940)
Stomberg v. California, 288 U.S. 359 (1931)
DeJonge v. Oregon, 299 U.S. 353 (1937)

Fourth Amendment:

Wolf v. Colorado, 338 U.S. 25 (1949)
Mapp v. Ohio, 367 U.S. 643 (1961)

Fifth Amendment:

- a. Self-incrimination
Malloy v. Hogan, 378 U.S. 1 (1964)
Pointer v. Texas, 380 U.S. 400 (1965)
- b. Double jeopardy
Benton v. Maryland, 395 U.S. 784 (1969)

Sixth Amendment:

- a. Confrontation with witnesses
Pointer v. Texas, 385 U.S. 400 (1965)
- b. Compulsory process to obtain witnesses
Washington v. Texas, 388 U.S. 14 (1967)
- c. Assistance of counsel
Gideon v. Wainwright, 372 U.S. 335 (1963)
- d. Right to speedy trial
Klopfer v. North Carolina, 386 U.S. 213 (1967)
- e. Trial by jury
Duncan v. Louisiana, 391 U.S. 145 (1968)

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Eighth Amendment:

- a. Unusual and cruel punishment
Robinson v. California, 370 U.S. 660 (1962)
- b. Excessive fine
Furman v. Georgia, 408 U.S. 238

Amendments wherein applicability to the States under the Fourteenth Amendment does not apply

Second Amendment: right to keep and bear arms
Presser v. Illinois, 116 U.S. 252 (1886)

Fifth Amendment: indictment by grand jury
*Hurtado v. California, 110 U.S. 516 (1884)

Seventh Amendment: right to trial by jury in common-law suits
Edwards v. Elliot, 21 Wall 532 (1874)

Curtis Brown

cc: Elaine Mitchell

*Leading case.