

# The Bill of Rights

## ★ CITIZENSHIP AND YOU ★

The Bill of Rights—the first 10 amendments to the U.S. Constitution—guarantees certain basic rights to all Americans. Among the most important is freedom of speech. This right allows Americans to speak out on issues and make their feelings known. Contact a local organization concerned with civil liberties. Ask about incidents in your community that threatened the free speech of an individual or group. Create a proposal that lists actions that can be taken to protect free speech in your community.



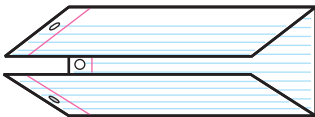
To learn more about the rights that the Constitution guarantees, view the *Democracy in Action* video lesson 3: The Constitution—A Living Document.

### FOLDABLES™ Study Organizer

**Evaluating Information Study Foldable** Make this foldable to write questions and answers as you study the Bill of Rights.

**Step 1** Write a summary of the Bill of Rights on one side of a sheet of paper.

**Step 2** Fold the sheet of paper into thirds from top to bottom.

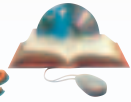


**Step 3** Unfold, turn the paper over (to the clean side), and label as shown.

○	What is the Bill of Rights?
○	
○	
○	The Bill of Rights and You
○	
○	
○	Extending the Bill of Rights
○	
○	

**Reading and Writing** As you read about the Bill of Rights, write down three main questions under each heading. Then write an answer to each question.

Americans express their views at the Lincoln Memorial. ▶



**Chapter Overview** Visit the *Civics Today* Web site at [civ.glencoe.com](http://civ.glencoe.com) and click on **Chapter Overviews—Chapter 4** to preview chapter information.

IN THIS TEMPLE  
AS IN THE HEARTS OF THE PEOPLE  
FOR WHOM HE SAVED THE UNION  
THE MEMORY OF ABRAHAM LINCOLN  
IS ENSHRINED FOREVER





## SECTION

# 1

# The First Amendment

## GUIDE TO READING

### Main Idea

Soon after ratification of the Constitution, the First Amendment was added to guarantee basic freedoms essential to American democracy.

### Key Terms

**civil liberties, censorship, petition, slander, libel**

### Reading Strategy

**Analyzing Information** As you read, list in a chart like the one below the freedoms guaranteed by the First Amendment, along with the limitations to those freedoms.

First Amendment	
Freedoms	Limitations

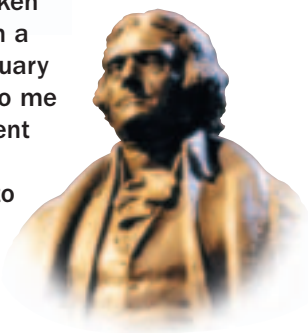
### Read to Learn

- How does the First Amendment protect five basic freedoms?
- What are the limits to First Amendment freedoms?



## Americans in Action

Thomas Jefferson was an outspoken supporter of Americans' personal freedoms. In a letter to Colonel Edward Carrington, dated January 16, 1787, Jefferson wrote: ". . . [W]ere it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter." In his lifetime, Jefferson took full advantage of the freedom of the press. He wrote and published dozens of articles and papers to express his views and to encourage his fellow citizens to think and act according to their beliefs.



Thomas Jefferson

## First Amendment Freedoms

The Founders of the United States believed that protecting individual rights and providing for the safety and well-being of citizens were important purposes of government. The Constitution might not have been ratified had the Bill of Rights not been promised. Added in 1791, the 10 amendments in the Bill of Rights place strict limits on how the national government can use its power over the people. The Bill of Rights protects our **civil liberties**—the freedoms we have to think and act without government interference or fear of unfair treatment.

The First Amendment to the Constitution protects five basic freedoms: freedom of religion, freedom of speech, freedom of the press, freedom of assembly, and freedom to petition the government.

These civil liberties are the cornerstone of our democracy. They ensure that each of us can develop our own beliefs, express ourselves freely, meet openly with others, and have our views on public matters heard by those who govern.

### Freedom of Religion

Intolerance of different beliefs in their homelands forced many colonists to come to America in the first place. To safeguard religious freedom, the First Amendment prohibits Congress from



## Economics and You

### Private Property

Early Americans believed strongly in the right of private property, or the right of individuals and businesses to own land, buildings, and other commodities. The Fifth Amendment protects this right by saying that private property cannot be taken for public use without fair payment. Clip ads from the classified section of your newspaper that show how people profit from the right to private property.

establishing an official religion in the United States. It protects the freedom of Americans to practice their faith as they wish. The government may not favor one religion over another or treat people differently because of their personal beliefs.

### Freedom of Speech

In some countries, people can be jailed for criticizing the government or voicing unpopular ideas, even if they do so only in private conversations. In the United States, however, the First Amendment guarantees that we can say what is on our minds, in public or in private, without fear of punishment by the government.

Face-to-face discussions, telephone conversations, lectures, and radio and TV broadcasts are covered by the guarantee of free speech; so are other forms of expression besides the spoken word. As interpreted by the Supreme Court, “speech” can mean Internet communication, art, music, or even clothing.

In 1965, for example, 13-year-old Mary Beth Tinker and two other students wore black armbands to school to mourn those who died in the Vietnam War. School authorities suspended them for wearing the armbands, and the teens eventually took their case to the Supreme Court. In its

landmark 1969 decision, the Court ruled that the armbands were a form of speech protected by the First Amendment. See [Landmark Supreme Court Case Studies on page 108.](#)

### Freedom of the Press

The First Amendment allows Americans to express themselves in print as well as in speech. When the Bill of Rights was written, “the press” referred to printed publications such as books, newspapers, and magazines. Today the press includes many other sources of media, such as radio, television, and computer networks.

Freedom of the press ensures that the American people are exposed to a wide variety of viewpoints. The government cannot practice  **censorship**; that is, it cannot ban printed materials or films merely



## The First Amendment



Freedom of Speech



Freedom of Religion



Freedom to Petition the Government



Freedom of the Press



Freedom of Assembly

### Evaluating Charts

**The First Amendment protects five basic freedoms of the American way of life.**  
Which freedoms protect your right to demonstrate against a government policy?



**Freedom of Religion** Many early colonists and immigrants throughout history came to the United States so they could freely practice religion. **How does the First Amendment protect religious freedom?**

because they contain alarming or offensive ideas, and it also cannot censor information before it is published or broadcast.

## Freedom of Assembly

The First Amendment protects our right to gather in groups for any reason, so long as the assemblies are peaceful. We have the right to attend meetings, parades, political rallies, and public celebrations. Governments may make rules about when and where such activities can be held, but they cannot ban them.

The Supreme Court has decided that freedom of assembly implies freedom of association. Thus the First Amendment also protects our right to form and join social clubs, political parties, labor unions, and other organizations. Even if we never assemble with fellow members, we have the right to belong to such groups.

## Freedom to Petition

Finally, the First Amendment guarantees all Americans the right to petition the government. A **petition** is simply a formal request. Often we use the word to refer to a specific kind of document—a brief, written statement signed by hundreds or thousands of people. Even a simple letter or e-mail written by an individual, however, could be considered a petition.

The right to petition means the right to express one's ideas to the government. If you want to complain about overcrowded schools, for example, or suggest that a skating park be built in your community, you can write to your elected representatives. If enough people express similar views, government leaders may take action.

**Reading Check** **Summarizing** What freedoms does the First Amendment protect?



## Limits to First Amendment Freedoms

The Supreme Court has decided that compelling public interests—the safety and security of Americans—may justify limitations on our First Amendment freedoms. Freedom of speech, for example, does not include the right to endanger our government or other Americans. You do not have freedom to provoke a riot or other violent behavior. You are not free to speak or write in a way that immediately leads to criminal activities or efforts to overthrow the government by force.

Citizens should use their civil liberties responsibly, which means they should not interfere with the rights of others. For example, you are free to talk with your friends in the street, but you must not block traffic. You may campaign for causes, but you may not disturb your neighbors with blaring loudspeaker broadcasts. You may criticize government officials, but you may not spread lies that harm a person’s reputation. Spreading such lies is a crime called **slander** if the lies are spoken and **libel** if they are printed.

The First Amendment was never intended to allow Americans to do whatever they please. Unlimited freedom is not possible in a society of many people. The rights of one individual must be balanced against the rights of others and against the rights of the community. When there is a conflict, the rights of the community often come first. Otherwise, the society would break apart.

**Reading Check Explaining** Why are your First Amendment rights limited?

**Fact Fiction Folklore**

**203 years to pass . . .**

The 27th amendment states that no change in congressional pay can go into effect until after the next general election. Originally, it was the second of 12 separate articles that became the Bill of Rights in 1791. In the 1980s, it was rediscovered. By 1992 the required 38 states had ratified it, putting it at last into the Constitution—203 years after it was proposed!

### SECTION 1 ASSESSMENT



**Study Central™** To review this section, go to [civ.glencoe.com](http://civ.glencoe.com) and click on **Study Central™**.

#### Checking for Understanding

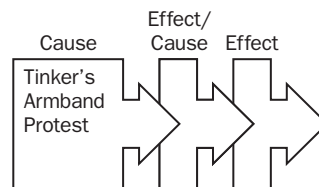
- Key Terms** Define the following terms and use them in sentences related to the First Amendment: **civil liberties, censorship, petition, slander, libel.**

#### Reviewing Main Ideas

- Infer** Besides the spoken word, “speech” refers to what other forms of expression?
- Identify** What are the limits to First Amendment freedoms? Give an example of a limit to a First Amendment right.

#### Critical Thinking

- Drawing Conclusions** Which First Amendment right do you think is the most important?
- Cause-and-Effect** In a graphic organizer like the one below, explain the effects of Mary Beth Tinker’s antiwar protest.



#### Analyzing Visuals

- Describe** Reexamine the photos on page 100. How do these images reflect First Amendment rights?

#### ★ BE AN ACTIVE CITIZEN ★

- Use Primary Sources** Read your local newspaper for a week. Note all of the examples of people exercising First Amendment rights that you can find. Report your findings to the class.

# Citizenship SKILLBUILDER

## Taking Notes

### Why Learn This Skill?

Reading and listening are a part of your student life. You read your textbook, library books, and Web pages. You listen to your teachers and to television broadcasts. Whatever your purpose, it helps to know how to take notes. Taking notes helps you organize and learn information and makes studying easier.

### Learning the Skill

To take good notes, follow these steps:

- Record the date and identity of your source.
- Define the purpose of your note taking, and stay focused on it.
- Watch for proper names, dates, events, or headings in the selection you use. Include this type of information in your notes.
- Write down short phrases that summarize the main ideas of the selection. Use complete sentences sparingly.
- Use your own words as much as possible. Try to develop your own system of abbreviations and symbols. Arrows, for instance, can be a quick way to show relationships between two or more points.

- Leave space to come back and write further information about important ideas. This is helpful when you use two or more sources.

### Practicing the Skill

Read the passage below and follow the steps to create notes for it.

### Censorship and Cyberspace

Can the Internet and the First Amendment coexist? Congress acted early to outlaw inappropriate cyber contact between adults and children. In the mid-1990s, it reached further. Congress first considered holding online providers to standards similar to those used by mainstream TV and radio networks. Owners of these “airway” communications chose their own programs and so could control content. The Communications Decency Act finally passed by Congress in 1996 had fewer limits. This law simply outlawed “indecent” and “offensive” materials. The Supreme Court found the law a “heavy burden” on freedom of speech, and struck it down.

### Applying the Skill

Scan a local newspaper for a short editorial or article about a constitutional issue. Take notes on the article. Summarize the article using only your notes.



Practice key skills with Glencoe's **Skillbuilder Interactive Workbook CD-ROM, Level 1.**



Studying and taking notes

# Other Guarantees in the Bill of Rights

## GUIDE TO READING

### Main Idea

In addition to the important civil liberties protected by the First Amendment, the other nine amendments in the Bill of Rights guarantee the right to fair legal treatment, as well as other freedoms.

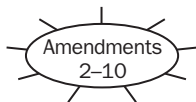
### Key Terms

search warrant, indictment, grand jury, double jeopardy, due process, eminent domain, bail

### Reading Strategy

#### Categorizing Information

As you read, list the rights guaranteed by Amendments 2–10 of the Bill of Rights in a web diagram like the one below.



### Read to Learn

- How does the Bill of Rights protect the rights of the accused?
- What other rights and freedoms are guaranteed by the Bill of Rights?



## Americans in Action

The Fourth Amendment is an important safeguard against “unreasonable searches and seizures.” This amendment protects Americans from unlawful searches by the police. However, you, as a student, are not protected in the same way. In the case of *New Jersey v. T.L.O.*, the Supreme Court ruled that the Fourth Amendment’s “warrant requirement . . . is unsuited to the school environment.” The Constitution includes other amendments that protect the rights of Americans accused of crimes.



Are school lockers private?

## Protecting the Rights of the Accused

The First Amendment freedoms you have just read about are among our most important civil liberties. Equally precious, however, is the right to fair legal treatment. This is the subject of several amendments in the Bill of Rights.

Suppose someone accuses you of committing a crime. In some countries, government agents might ransack your home, drag you off to jail, beat you, and hold a trial without even letting you respond to the charges. In the United States, the Fourth, Fifth, Sixth, and Eighth Amendments help prevent such a scenario from occurring.

### The Fourth Amendment

The Fourth Amendment protects Americans “against unreasonable searches and seizures.” No soldier, government agent, or police officer can search your home or take your property without good cause.

However, if law enforcement officers believe you have committed a crime, they can ask a judge to issue a **search warrant**. This is a court order allowing law enforcement officers to search a suspect’s home or business and take specific items as evidence.





Judges do not give out search warrants readily. They must be convinced that a search will probably turn up evidence of criminal activity. If warrants were issued frivolously, the Fourth Amendment would give us little sense of security. Any time of the day or night, the police could invade our privacy and confiscate our possessions.

## The Fifth Amendment

The Fifth Amendment protects the rights of people accused of crimes. It states that no one can be put on trial for a serious federal crime without an **indictment**—a formal charge by a group of citizens called a **grand jury**, who review the evidence against the accused.

A person who is indicted is not necessarily guilty of a crime. An indictment simply indicates the grand jury’s belief that an individual *may* have committed a crime. This provision protects people from being brought to trial hastily and perhaps needlessly.

The Fifth Amendment also protects people from **double jeopardy**. This means that people who are accused of a crime and judged not guilty may not be put on trial again for the same crime.

In addition, the Fifth Amendment protects an accused person’s right to remain silent. Throughout history, innocent people have been threatened, tortured, or bullied into confessing to crimes they did not commit. To prevent this, the Fifth Amendment states that people cannot be forced to testify against themselves. This is called protection against self-incrimination.

The Fifth Amendment goes on to say that no one may be denied life, liberty, or property “without due process of law.” **Due process** means following established legal procedures. It also includes the idea that the laws themselves must be reasonable.

Finally, the Fifth Amendment protects citizens’ property rights by limiting the government’s power of eminent domain.

## Rights of the Accused

### FIFTH AMENDMENT

- ★ No trial may be held unless a person is formally charged, or indicted by a grand jury.
- ★ A person found not guilty may not be put on trial again for the same crime.
- ★ Accused persons may not be forced to testify against themselves.
- ★ Every person is entitled to due process of law.
- ★ No one may be deprived of their property by the government without compensation.

### SIXTH AMENDMENT

- ★ The accused must be informed of the nature of the charges.
- ★ The accused must be allowed a speedy and public trial by an impartial jury.
- ★ If possible, the trial must be held in the area where the crime took place.
- ★ The accused must be permitted to hear and question all witnesses.
- ★ The accused is entitled to a lawyer and to call witnesses for his or her defense.

### Evaluating Charts

The Fifth and Sixth Amendments contain important protections for people accused of committing crimes. **Which amendment guarantees that if you are arrested, you will be informed of the charges against you?**





**Eminent domain** is the right of the government to take private property—usually land—for public use. For example, if your home lies in the path of a proposed highway, the government may legally take the land and destroy your house. Under the Fifth Amendment, however, the government must pay you a fair price for the property.

### The Sixth Amendment

The Sixth Amendment gives additional due process rights to people accused of crimes. It requires that they be told the exact nature of the charges against them. It also guarantees them a trial by jury, although they may ask to be tried by only a judge instead.

If an accused person requests a jury trial, the trial must be speedy and public, and jurors must be impartial. If possible, the trial should be held in the same district where the crime took place.

Accused individuals have the right to hear and question all witnesses against them. They must also be permitted to call witnesses in their own defense. Finally, they are entitled to have a lawyer. Since the Sixth Amendment was written, the Supreme Court has ruled that if an accused person cannot afford a lawyer, the government must provide one and pay his or her fees.

### The Eighth Amendment

Although the Sixth Amendment guarantees a speedy trial, sometimes months go by before a case can be heard. During that time, the accused may have two choices: stay in jail or remain free by paying bail. **Bail** is a sum of money used as a security deposit. If the accused person comes to court for the trial, the bail is returned. If the person fails to appear, though, the bail is forfeited.

The judge decides how much bail a person must pay. Judges consider various


## American Biographies


**James Madison**  
**(1751–1836)**

Even in his day, James Madison, the nation’s fourth president, was known as the “Father of the Constitution.” Madison protested: “You give me credit to which I have no claim. . . . It ought to be regarded as the work of many heads and many hands.”

However, when it came to creating a constitution, Madison had few equals. He not only played a leading role in shaping the Constitution, he wrote many of the *Federalist* papers defending it. Madison, though, at first opposed the addition of a bill of rights. He felt the Constitution gave the people the power to protect their own rights through the election of officials. The Constitution also limited the powers of government by such means as separation of powers and checks and balances. He feared that future governments might honor only those rights listed in the bill.

When some leaders threatened to call a second constitutional convention, Madison agreed to a list of rights. To make sure the amendments did not weaken the new government, he helped write them himself. Then, as the U.S. representative from Virginia, Madison pushed the amendments through Congress, fulfilling the Constitution’s promise to create a “more perfect union.”





factors, including the type of crime committed, the record of the accused person, the likelihood that he or she will appear in court, and what he or she can afford. The Eighth Amendment, however, forbids “excessive” bail—that is, an amount that is much too high.



**Analyzing Visuals** The Bill of Rights extended the protections of the Constitution by granting freedom of the press, due process, and other important rights to Americans. What details reveal the cartoonist’s view of the Bill of Rights?

The Eighth Amendment also forbids excessive fines for people convicted of crimes. In addition, it forbids “cruel and unusual punishments.” For many years, Americans have debated what kinds of punishment are cruel and unusual. It is generally agreed that punishment should be in proportion to the crime committed. For example, a sentence of life imprisonment for stealing a loaf of bread would be too harsh. People disagree strongly, however, about whether the death penalty for very serious crimes is cruel and unusual punishment.

**Reading Check Identifying** Which amendment protects a person accused of a crime from double jeopardy?

## Protecting Other Rights

In addition to the First Amendment freedoms and due process guarantees, the Bill of Rights includes other protections for American citizens.

### The Second Amendment

There is debate over what rights, exactly, are guaranteed by the Second Amendment. Some argue that it provides only for each state to maintain “a well regulated militia” by allowing the members of those militias to carry arms. When the Second Amendment was written, a militia was a small, local army made up of volunteer soldiers. These militias helped to win America’s independence from Great Britain.

Other people hold that the Second Amendment guarantees the right of all individual citizens to “keep and bear arms” without the interference of the government. The courts have generally ruled that the government can pass laws to control, but not prevent, the possession of weapons. For example, federal and state laws determine who can be licensed to own firearms.

### The Third Amendment

One cause of the American Revolution was the colonists’ resentment of the law requiring them to house and feed British soldiers. The Third Amendment makes it unlikely that Americans will ever be forced to shelter the military again. The amendment says that, in peacetime, soldiers may not move into private homes without the consent of the homeowner. In times of war, the practice must be authorized by Congress.

### The Seventh Amendment

The Fifth, Sixth, and Eighth Amendments deal with people’s rights in criminal cases. The Seventh Amendment concerns civil cases—lawsuits that involve disagreements between people rather than crimes. If



you were disputing a contract, for example, or claiming that a doctor had not treated you properly, you could initiate a civil suit.

The Seventh Amendment guarantees the right to a jury trial in civil cases if the amount of money involved is more than \$20. The amendment does not, however, require a jury trial. Both sides may decide to have their dispute settled by a judge instead.

## The Ninth Amendment

The people who wrote the Bill of Rights realized that they could not spell out every right of the American people. The Ninth Amendment makes it clear that citizens have other rights beyond those listed in the Constitution. These unwritten rights are just as valuable and may not be taken away.

The right to privacy, for example, is not mentioned in the Constitution. However, the Supreme Court has drawn on the First, Fourth, Fifth, and Ninth Amendments to uphold this right. We thus enjoy privacy in our homes, confidentiality in our medical and financial records, and freedom from government interference in our personal choices regarding friends, families, and careers.

## The Tenth Amendment

The Constitution discusses certain powers of the national and state governments. Many other powers of government—such as the authority to set up schools—are not mentioned at all.

Slavery is another issue not completely addressed in the Constitution. Between 1783 and 1804, many Northern states passed laws abolishing slavery. In 1782 Virginia passed a law encouraging **manumission**. This was the voluntary freeing of enslaved persons, especially those who had fought in the Revolution.

Under the Tenth Amendment, any powers the Constitution does not specifically give to the national government are reserved to the states or to the people. (This amendment is the source of the reserved powers you learned about in the Chapter 3 discussion of federalism.) In this way, the Tenth Amendment prevents Congress and the president from becoming too strong. The government of the United States can have only the powers the people give it.

**Reading Check** **Describing** What is the purpose of the Tenth Amendment?

## SECTION 2 ASSESSMENT



**Study Central™** To review this section, go to [civ.glencoe.com](http://civ.glencoe.com) and click on **Study Central™**.

### Checking for Understanding

**1. Key Terms** Use the following terms in sentences related to the Bill of Rights: **search warrant, indictment, grand jury, double jeopardy, due process, eminent domain, bail.**

### Reviewing Main Ideas

- 2. Explain** When can law enforcement officers search a suspect's house?
- 3. Identify** What current controversial issue is tied to the Eighth Amendment's prohibition of cruel and unusual punishment?

### Critical Thinking

- 4. Drawing Conclusions** Which of the first 10 amendments do you think is the most important? Why?
- 5. Organizing Information** In a similar chart, describe how the rights of the accused are protected by each amendment.

Amendment	Rights Protected
4	
5	
6	
8	

### Analyzing Visuals

- 6. Conclude** Review the chart that lists the rights of persons accused of crimes on page 104. What is the role of a grand jury in the trial process?

### ★ BE AN ACTIVE CITIZEN ★

- 7. Write** Select an issue related to the amendments in this section, such as the death penalty or gun control. Write a letter to the editor of your local newspaper expressing your views on the issue.

# Landmark Supreme Court Case Studies

## Tinker v. Des Moines Independent Community School District



The Tinkers show their armbands.

### Background of the Case

Division over the war in Vietnam racked the nation during the 1960s. Millions of Americans agreed with the war, while other millions disagreed. Protests occurred frequently. One night in December 1965, a group of public school students, led by high-school sophomores Christopher Eckhardt and John Tinker and eighth-grader Mary Beth Tinker, planned their own protest. They decided to wear black armbands to school as silent expressions of mourning for deaths on both sides in the war. As other students joined the armband protest, principals and members of the school board met the growing protest with a ban on armbands—to prevent “disturbing influences.”

On December 16, 1965, Christopher, John, and Mary Beth were suspended for wearing their armbands to school. Their parents protested the suspensions in federal courts. They contended the students’ First Amendment free speech rights had been violated.

**Public school officials set standards of behavior that students are expected to follow. Does this arrangement leave students with any rights? Sometimes the Supreme Court must decide.**

### The Decision

On February 24, 1969, the United States Supreme Court in a 7–2 decision declared the school suspensions unconstitutional. Justice Abe Fortas, who wrote the majority opinion, first established that the students’ action was “akin to pure speech.” Even though their protest involved no speaking, it deserved “protection under the First Amendment.” Then he wrote:

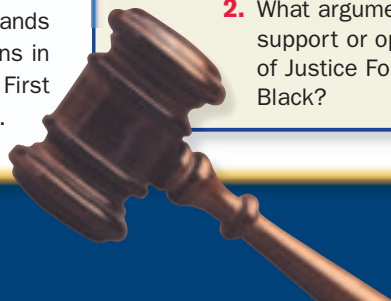
*It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.*

### Why It Matters

Supporters saluted the decision. Critics predicted harmful consequences. Dissenter Justice Hugo Black suggested that the Court’s decision was “the beginning of a new revolutionary era of permissiveness in this country fostered by the judiciary.” He argued that no one has a complete right to freedom of speech and expression.

### Analyzing the Court Decision

1. How did Justice Fortas’s concept of “pure speech” extend First Amendment free speech rights?
2. What arguments might you use to support or oppose the viewpoints of Justice Fortas and Justice Black?



# Extending the Bill of Rights

## GUIDE TO READING

### Main Idea

The amendments adopted after the Bill of Rights extended liberties and voting rights to African Americans, women, and other minority groups.

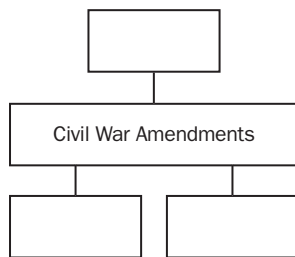
### Key Terms

suffrage, poll tax

### Reading Strategy

#### Explaining Information

As you read, complete a graphic organizer like the one below to explain the Civil War amendments.



### Read to Learn

- How were the Civil War amendments intended to extend civil liberties to African Americans?
- How did the Seventeenth, Nineteenth, Twenty-third, Twenty-fourth, and Twenty-sixth Amendments extend voting rights in the United States?



## Americans in Action

Even as a teenager, William Lloyd Garrison's dedication to the abolition of slavery was apparent. As a newspaper apprentice, and later as the owner of his own newspapers, ending slavery was nearly his sole concern. In the first edition of *The Liberator*, published in 1831, Garrison promised his readers, "I am in earnest—I will not equivocate—I will not excuse—I will not retreat a single inch—AND I WILL BE HEARD." Thirty-four years later came proof that Garrison's words had been heard when the Thirteenth Amendment was passed.



William Lloyd Garrison

## Protecting All Americans

The Bill of Rights was passed to safeguard individual liberties. However, the rights guaranteed to all Americans have not always been applied equally and fairly. The Bill of Rights was intended originally to restrain only the national government. For many years, local and state governments were not bound by its terms. As a result, states sometimes used their reserved powers to pass laws that violated civil liberties. In most parts of the country, for example, women and African Americans could not vote to elect representatives in government. Before 1865, many states had laws that sanctioned the enslavement of African Americans, who were treated as property and had almost no rights at all.

Gradually, however, the Bill of Rights came to cover all Americans equally and to limit government power at all levels. Additional amendments to the Constitution and court rulings both played a part in this process.

Three amendments were passed after the Civil War to extend civil liberties to African Americans. The promise of these Civil War amendments, as they are known, was not fulfilled, however, for almost 100 years. Many states were slow to change their customs; some actively resisted. The federal government, including the Supreme Court, often seemed indifferent. Nonetheless, the Civil War amendments signaled a move toward greater equality.



## The Thirteenth Amendment (1865)

The Thirteenth Amendment officially outlawed slavery in the United States and thus freed thousands of African Americans. It also outlawed any sort of forced labor, except as punishment for a crime.

## The Fourteenth Amendment (1868)

Although the Thirteenth Amendment ensured the freedom of African Americans, it did not guarantee them full rights. After the Civil War, many Southern states passed “black codes” that kept African Americans

### Constitutional Amendments 11–27

AMENDMENTS	DATE	PURPOSE
11	1795	Removed cases in which a state was sued without its consent from the jurisdiction of the federal courts
12	1804	Required presidential electors to vote separately for president and vice president
13	1865	Abolished slavery and authorized Congress to pass legislation implementing its abolition
14	1868	Granted citizenship to all persons born or naturalized in the United States; banned states from denying any person life, liberty, or property without due process of law; and banned states from denying any person equal protection under the laws
15	1870	Guaranteed voting rights to African Americans by outlawing denial of the right to vote on the basis of race, color, or previous condition of servitude
16	1913	Empowered Congress to levy an income tax
17	1913	Provided for the election of U.S. senators by direct popular vote instead of by the state legislatures
18	1919	Authorized Congress to prohibit the manufacture, sale, and transportation of liquor
19	1920	Guaranteed the right to vote to women
20	1933	Shortened the time between a presidential election and inauguration by designating January 20 as Inauguration Day; set January 3 as the date for the opening of a new Congress
21	1933	Repealed the Eighteenth Amendment and empowered Congress to regulate the liquor industry
22	1951	Limited presidents to two full terms in office
23	1961	Granted voters in the District of Columbia the right to vote for president and vice president
24	1964	Forbade requiring the payment of a poll tax to vote in a federal election
25	1967	Provided for succession to the office of president in the event of death or incapacity and for filling vacancies in the office of the vice president
26	1971	Guaranteed the right to vote to 18-year-olds
27	1992	Banned Congress from increasing its members' salaries until after the next election

- Amendments changing the powers of the national and state governments
- Amendments changing the government structure or function
- Amendments extending the suffrage and powers of voters

#### Evaluating Charts

One of the strengths of the Constitution is its ability to respond to changes in society. The amendment process contributes to that flexibility. Which amendment establishes the process by which the vice president takes over when the president is disabled?



from holding certain jobs, limited their property rights, and restricted them in other ways.

To remedy this situation, the Fourteenth Amendment was enacted in 1868. It defined a United States citizen as anyone “born or naturalized in the United States,” a definition that included most African Americans. The amendment also required every state to grant its citizens “equal protection of the laws.” This clause has been extremely important. In recent years, it has been used to benefit women, people with disabilities, and other groups whose rights have not always been protected fairly.

Another element of the Fourteenth Amendment forbids state governments from interfering with the “privileges or immunities of citizens of the United States.” Further, state governments may not take an individual’s “life, liberty, or property, without due process of law.” The intent of these provisions was to make the Bill of Rights binding for state governments as well as the federal government. This is called the nationalization of the Bill of Rights.

For many years, however, the Supreme Court ignored this interpretation of the Fourteenth Amendment. Then, in 1925, in *Gitlow v. New York*, the Court ruled that the Fourteenth Amendment could safeguard free speech and a free press “from impairment by the states.”

Since the *Gitlow* case, the Supreme Court has used the Fourteenth Amendment to apply other rights in the Bill of Rights to the states. This “incorporation” of the Bill of Rights by the Fourteenth Amendment’s due process clause means that U.S. citizens in every part of the country have the same basic rights. A string of later cases further extended the reach of the Bill of Rights. By the end of the 1960s, most protections in the Bill of Rights were considered to apply at the state level.

## **The Fifteenth Amendment (1870)**

The last of the Civil War amendments, the Fifteenth, says that no state may take away a person’s voting rights on the basis of race, color, or previous enslavement. The amendment clearly aimed to guarantee **suffrage**—the right to vote—to African Americans. Still, many states found ways to keep African Americans away from the polls.

The Fifteenth Amendment protected only men in practice. The various states had the power to decide whether women could vote. Women, regardless of their race, could not vote in most federal or state elections.

## **The Seventeenth Amendment (1913)**

According to Article I of the Constitution, the people were to elect members of the House of Representatives, but the state legislatures were to choose members of the Senate. The Seventeenth Amendment was passed in order to allow voters to elect their senators directly. This change in the election process gave Americans a greater voice in their government.

## **The Nineteenth Amendment (1920)**

Although the Constitution did not guarantee women the right to vote, it did not explicitly deny them suffrage. As a result, states made their own laws on the matter, using the powers reserved to them under the Tenth Amendment. The territory of Wyoming permitted women to vote in 1869, and several other territories and states did so as well in the years that followed.

However, national support for woman suffrage was slow in coming. Leaders like Susan B. Anthony and Elizabeth Cady Stanton had insisted as early as 1848 that women belonged at the polls. It was only in 1920, however, that the Nineteenth Amendment protected the right of women to vote in all national and state elections.





## The Twenty-Third Amendment (1961)

African Americans and women were not the only citizens who were denied voting rights for many years. Residents of our nation’s capital, Washington, D.C., also fell into this group.

“D.C.,” as you may know, stands for the District of Columbia, an area between Maryland and Virginia. Because the District is not a state, the people who lived there were not initially allowed to vote in national elections. The Twenty-third Amendment changed that in 1961. The amendment says that residents of the District of Columbia may vote for the president and vice president, just as other Americans do.

## The Twenty-Fourth Amendment (1964)

Although the Fifteenth Amendment gave African Americans the right to vote, many had trouble exercising this right. One reason was that several Southern states had **poll taxes**. In other words, they required voters to pay a sum of money before casting a ballot. Because many African Americans could not afford the tax, they could not vote. Poor whites were in the same situation.

In 1964, the Twenty-fourth Amendment made poll taxes illegal in national elections. Two years later, the Supreme Court ruled that poll taxes were illegal in state elections as well.

## The Twenty-Sixth Amendment (1971)

Throughout our nation’s history, people still in their teens have bravely fought for our country. By law, however, they were not old enough to vote for the leaders who sent them into battle. Although the Constitution did not specify a minimum age for voters, most states set the minimum at 21.

That standard finally changed in 1971, a year when many young Americans were fighting in the Vietnam War. The Twenty-sixth Amendment guaranteed the right to vote to citizens 18 and older for all national and state elections. As a result, millions more Americans could now exercise their right to vote.

**CIVICS Online** 

**Student Web Activity** Visit [civ.glencoe.com](http://civ.glencoe.com) and click on **Student Web Activities—Chapter 4** to learn more about amendments to the U.S. Constitution.

**Reading Check Explaining** How did the Nineteenth Amendment expand suffrage?

# SECTION 3 ASSESSMENT

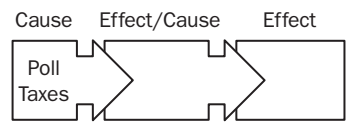
**CIVICS Online** | **Study Central™** To review this section, go to [civ.glencoe.com](http://civ.glencoe.com) and click on **Study Central™**.

### Checking for Understanding

- 1. Key Terms** Define the following terms and use them in sentences related to voting rights: **suffrage, poll tax.**
- 2. Explain** How was the promise of the Civil War amendments fulfilled in the mid-twentieth century?
- 3. Describe** How did the Twenty-fourth Amendment expand voting rights?

### Critical Thinking

- 4. Concluding** Which of the voting rights amendments (17, 19, 23, 23, 24, 26) do you think was the most important? Why?
- 5. Cause-and-Effect** In a graphic organizer like the one below, explain the effects of poll taxes in the South.



### Analyzing Visuals

- 6. Infer** Review the chart on page 110. Which amendment limited presidents to two terms in office?

**★ BE AN ACTIVE CITIZEN ★**

**7. Write** Because many 18- to 21-year-olds do not vote, some believe the 26th Amendment should be repealed. Write your representatives in Congress to get their views on this issue.

# The Civil Rights Struggle

## GUIDE TO READING

### Main Idea

Although amendments to the Constitution guaranteed rights to Americans, African Americans and other groups still did not enjoy civil rights. African Americans organized a civil rights movement to gain equality.

### Key Terms

**discrimination,**  
**segregation, civil rights,**  
**affirmative action,**  
**racial profiling**

### Reading Strategy

#### Identifying Information

As you read, complete the diagram below by filling in key laws achieved by the civil rights movement.



### Read to Learn

- Why did African Americans begin the struggle for civil rights?
- What gains did the civil rights movement win?



## Americans in Action

On August 23, 1963, more than 200,000 people marched in Washington, D.C., for their rights. On that day, they heard Reverend Martin Luther King, Jr., utter these words: “I have a dream that one day this nation will rise up and live out the true meaning of its creed: ‘We hold these truths to be self-evident; that all men are created equal’ . . . I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character. . . .”



Martin Luther King, Jr., leads a march in Mississippi.

## Background of the Struggle

Despite the advances made after the Civil War, African Americans routinely faced **discrimination**, or unfair treatment based on prejudice against a certain group. Southern states, for example, passed so-called “Jim Crow” laws requiring African Americans and whites to be separated in most public places, such as schools. Later, African Americans had to ride in the back of buses, and sit in separate sections of restaurants and theaters. They even had to use separate public restrooms. The social separation of the races was known as **segregation**. African Americans in the North fared better. They could vote freely, and segregation was less noticeable. Even so, prejudice restricted opportunities for many. It would take more than 100 years for African Americans to secure their **civil rights**—the rights of full citizenship and equality under the law.

From an early time, many Americans objected to the treatment of African Americans as “second-class citizens.” In 1909 a group of African Americans and whites founded the National Association for the Advancement of Colored People (NAACP). The association worked mainly through the courts to challenge laws and customs that denied African Americans their constitutional rights.

In 1910 other concerned citizens formed the National Urban League. The Urban League aided the growing numbers of African



# Landmark Acts of the Civil Rights Movement

## **BROWN v. BOARD OF EDUCATION OF TOPEKA, KANSAS, 1954**

- ★ Supreme Court rules segregated schools unconstitutional

## **CIVIL RIGHTS ACT OF 1957**

- ★ Congress sets up commission on civil rights and creates a division of civil rights in Justice Department

## **EQUAL PAY ACT OF 1963**

- ★ Bans wage discrimination based on race, gender, religion, or national origin

## **CIVIL RIGHTS ACT OF 1964**

- ★ Strengthens Fourteenth Amendment protections; bans discrimination in employment, voting, and public accommodations

## **VOTING RIGHTS ACT OF 1965**

- ★ Empowers federal government to intervene in voter registration discrimination

## **OPEN HOUSING ACT OF 1968**

- ★ Prevents people selling or renting homes from using certain forms of discrimination

## **EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972**

- ★ Provides that businesses receiving federal funds must have affirmative action programs to increase number of female and minority employees

## **AMERICANS WITH DISABILITIES ACT OF 1990**

- ★ Bans discrimination in employment, transportation, public accommodations, and telecommunications against persons with physical or mental disabilities

### Evaluating Charts

It was not until 1964 with the passage of the Civil Rights Act that racial segregation in public places became illegal. What legislation banned wage discrimination?



Americans in cities, helping them find jobs and improve their opportunities to get ahead.

Gradually, these organizations and other groups and individuals built a civil rights movement supported by millions. An important gain came in 1948, when President Harry Truman ordered an end to segregation in the nation's armed forces. A bigger victory was the Supreme Court's decision in *Brown v. Board of Education of Topeka, Kansas* (1954). In that landmark case, NAACP lawyers successfully argued that racial segregation in the public schools was unconstitutional. Segregation violated the Fourteenth Amendment's principle of equal protection under the law.

In the 1950s, Dr. Martin Luther King, Jr., became one of the main leaders of the civil rights movement. A Baptist minister and stirring speaker, King believed in non-violent resistance—the peaceful protest of unfair laws. He helped organize marches, boycotts, and demonstrations that opened many people's eyes to the need for change.

African American students began staging “sit-ins” at lunch counters that served only whites. White and African American “Freedom Riders” traveled together on buses to protest segregation. In his 1963 “I Have a Dream” speech, King inspired thousands with his hopes for racial equality and harmony. As the civil rights movement



gained strength, however, some whites opposed it with violence.

In response to the growing demand for government action, Congress passed the Civil Rights Act of 1964. This far-reaching law prohibited discrimination in public facilities, employment, education, and voter registration. It also banned discrimination not only by race and color, but also by gender, religion, and national origin.

Earlier that same year, the Twenty-fourth Amendment had outlawed poll taxes. The Voting Rights Act of 1965 took further steps to protect the free access of minorities to the polls.

## Ongoing Challenges

The civil rights laws of the 1960s certainly opened more doors for minorities. African Americans, Hispanic Americans, and other minorities have made striking gains in educational achievement. They increasingly hold professional and managerial jobs and serve in government, yet whites still tend to have more opportunities.

In the 1970s, the federal government began **affirmative action** programs to try to make up for past discrimination. These

programs encouraged the hiring and promoting of minorities and women in fields that were traditionally closed to them. Colleges, too, practiced affirmative action to help minority students gain admission.

From the start, affirmative action was controversial. Critics complained that giving preferential treatment to women and minorities amounted to discrimination against men and whites. The Supreme Court case of *Gratz v. Bollinger* (2003) centered on affirmative action. The Court struck down a University of Michigan point-based admission policy, stating that it gave excessive points to minority applicants.

The struggle for equal rights continues. Each year, the federal government receives more than 75,000 complaints of workplace discrimination. Many Americans and others are sometimes subject to **racial profiling** by law enforcement officers—being singled out as suspects because of the way they look. Some Americans even become the victims of hate crimes—acts of violence based on a person’s race, color, national origin, gender, or disability.

 **Reading Check** **Describing** How did Martin Luther King, Jr., hope to change unfair laws?

## SECTION 4 ASSESSMENT



**Study Central™** To review this section, go to [civ.glencoe.com](http://civ.glencoe.com) and click on **Study Central™**.

### Checking for Understanding

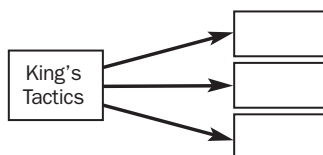
- 1. Key Terms** Use the following terms in a paragraph that summarizes the civil rights movement: **discrimination, segregation, civil rights, affirmative action, racial profiling.**

### Reviewing Main Ideas

- 2. Identify** List examples of the discrimination that African Americans faced after the Civil War.
- 3. Define** What was the purpose of the Civil Rights Act of 1964?

### Critical Thinking

- 4. Drawing Conclusions** Why was the civil rights movement started?
- 5. Explaining Information** Use the graphic organizer below to list Martin Luther King, Jr.’s tactics in the civil rights movement.



### Analyzing Visuals

- 6. Conclude** Reexamine the chart on page 114 that lists some landmark acts achieved by civil rights activists. What was the purpose of the Americans with Disabilities Act?

### ★ BE AN ACTIVE CITIZEN ★

- 7. Write** Do you think that affirmative action laws are a fair way to change past discrimination? Write your opinion in a letter to the editor.

# Assessment & Activities

## Review to Learn

### Section 1

- The First Amendment to the Constitution protects five basic freedoms of Americans.
- There are limits to our First Amendment rights.



### Section 2

- The Fifth, Sixth, and Eighth Amendments protect the rights of persons accused of crimes.
- The Bill of Rights also protects other rights and important liberties.

### Section 3

- The Civil War amendments ended slavery, defined American citizenship to include African Americans, and guaranteed suffrage to African Americans.



### Section 4

- Groups of African Americans joined together to fight for equality in a struggle called the civil rights movement.



## FOLDABLES™

### Study Organizer

#### Using Your Foldables Study Organizer

Find a classroom partner and take turns asking each other the three questions you each have written on your foldable. Can you answer each other's questions correctly?

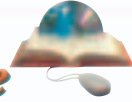
## Reviewing Key Terms

Write the chapter key term that matches each definition below.

1. a formal accusation of a crime issued by a grand jury
2. the criminal act of verbally lying about another person to harm that person's reputation
3. procedures established by law and guaranteed by the Constitution
4. a formal request for government action
5. the right of the government to take private property for public use
6. a sum of money paid in exchange for the right to vote
7. banning printed materials because they contain alarming or offensive ideas
8. the criminal act of printing lies about other people
9. money paid to the court by an accused person to guarantee that she or he will appear for trial
10. the right to vote

## Reviewing Main Ideas

11. What five basic freedoms does the First Amendment protect?
12. What was the significance of the *Brown v. Board of Education of Topeka, Kansas* decision?
13. What practice led to the inclusion of the Third Amendment in the Bill of Rights?
14. Why is protection from "double jeopardy" important?
15. What was the impact of the Supreme Court's decision in *Gitlow v. New York* (1925)?
16. Explain the significance of the Fourteenth Amendment.
17. What was the purpose of the NAACP and the National Urban League?
18. What does the "incorporation" of the Bill of Rights mean?



**Self-Check Quiz** Visit the *Civics Today* Web site at [civ.glencoe.com](http://civ.glencoe.com) and click on **Self-Check Quizzes—Chapter 4** to prepare for the chapter test.

## Critical Thinking

- 19. Predicting Consequences** The Twenty-fourth Amendment to the U.S. Constitution made poll taxes illegal in national elections. What do you think would have happened if the Twenty-fourth Amendment had not been ratified?
- 20. Making Judgments** In a chart like the one below, reorder the 27 amendments to the U.S. Constitution in their order of importance. Explain your choice for most important and least important.

Order	Number of Amendment
First in importance:	
Second in importance:	
Third in importance:	

## Practicing Skills

**Taking Notes** Turn to the **Supreme Court Case Summaries in the Appendix**. Read the following cases: *Gideon v. Wainwright* and *Miranda v. Arizona*. Take notes as you read and answer the following questions using only your notes.

- 21.** Which amendments to the Constitution were involved in these cases?
- 22.** What was the Court’s ruling in each case?
- 23.** Do you agree or disagree with these rulings? Explain your answers.



## Economics Activity

- 24.** Contact a lawyer in your community who handles criminal cases. Conduct an interview to find out what costs are involved in defending a criminal charge.

## Analyzing Visuals

- 25.** Study the chart that lists Amendments 11–27 on page 110. Which amendment spells out the procedure for replacing a president who leaves office? Which amendment repeals an earlier amendment?

## ★ CITIZENSHIP COOPERATIVE ACTIVITY ★

- 26.** The First Amendment guarantees freedom of assembly. Work with a partner to contact a local government to find out its rules about holding assemblies, such as political rallies, meetings, or parades. Find out what restrictions apply to where and when the assemblies take place. Report your findings to the class.



## Technology Activity

- 27.** Use the Internet to research current debates over Americans’ First Amendment rights. For example, you might research the proposed amendment to protect the American flag or the separation of church and state. Summarize the issue and share your opinion about it in a brief presentation.

## Standardized Test Practice

**DIRECTIONS:** Choose the *best* answer to complete the statement.

The right to express yourself in an editorial letter to your local newspaper is protected by

- F** the First Amendment.  
**G** the Second Amendment.  
**H** the Third Amendment.  
**J** the Fourth Amendment.

## Test-Taking Tip

Although you may not immediately recall the answer, start by eliminating answer choices that you know are incorrect.