

THE BILL OF RIGHTS

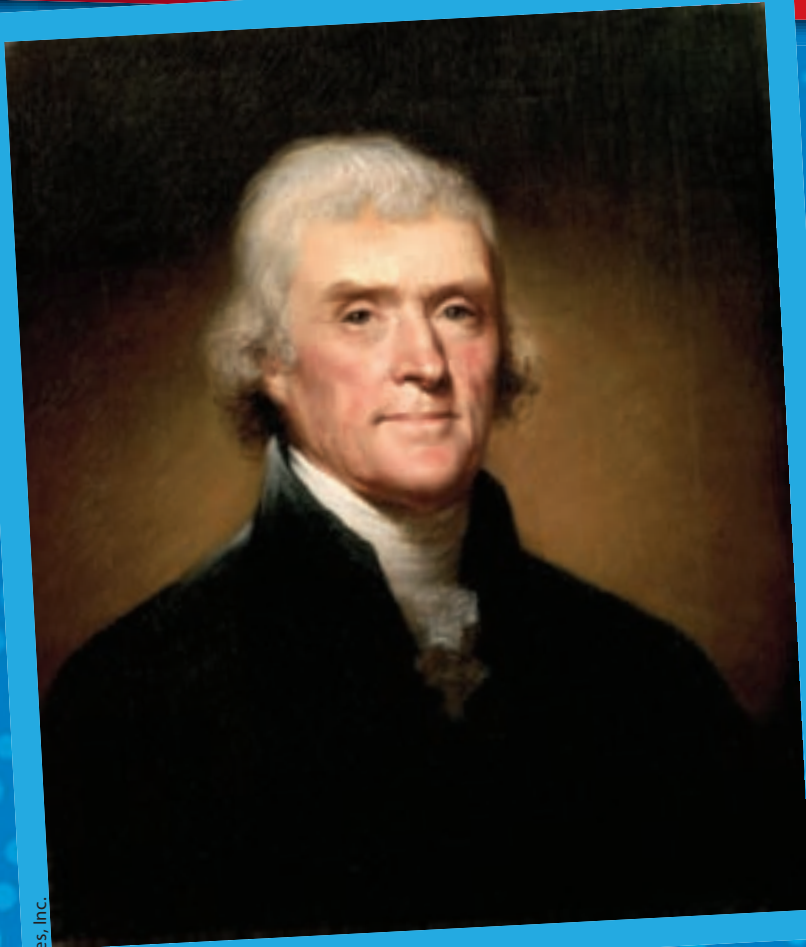


SS.7.C.2.4 Evaluate rights contained in the Bill of Rights and other amendments to the Constitution.

SS.7.C.2.5 Distinguish how the Constitution safeguards and limits individual rights.

ESSENTIAL QUESTION *How do societies balance individual and community rights?*

Long before he was president, Thomas Jefferson was an outspoken supporter of personal freedom. Read this excerpt from a letter he wrote to a friend.



“...[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**.”

THOMAS JEFFERSON

hesitate

Write another word (synonym) for *hesitate* below.

latter

What might the term *latter* mean here?

DBQ BREAKING IT DOWN

Is Jefferson saying he would rather have government or newspapers? What is the relationship between government and newspapers?

Besides newspapers, where can you read the news today? List examples below.

Copyright © by The McGraw-Hill Companies, Inc.

THE FIRST AMENDMENT



- SS.7.C.2.4 Evaluate rights contained in the Bill of Rights and other amendments to the Constitution.
- SS.7.C.2.5 Distinguish how the Constitution safeguards and limits individual rights.
- SS.7.C.3.6 Evaluate Constitutional rights and their impact on individuals and society

Essential Question

How do societies balance individual and community rights?

Guiding Questions

1. Which individual rights are protected by the First Amendment?
2. Why are limits placed on individual rights?

Terms to Know

civil liberties

basic freedoms that all citizens have

free speech

the right to express ideas without fear of punishment by the government

censorship

telling the press what to print or broadcast

petition

a written request

slander

telling lies about someone

libel

printing lies about someone

It Matters Because

The rights granted under the First Amendment are among our most basic freedoms.

The basic freedoms described in the First Amendment are listed below. Which is most important to you today? Circle your answer below and then use the space provided to explain.

freedom of religion

freedom of assembly

freedom of speech

**freedom to petition
(to make a request of)
government**

freedom of the press

What Do You Know?

Directions: Read each statement. If you agree with the statement, circle the A. If you disagree with the statement, circle the D. Be ready to explain your choices.



Before You Read Agree/Disagree	Statement	After You Read Agree/Disagree
A D	1. The Florida Legislature can outlaw religious practices that voters don't like.	A D
A D	2. The police chief can have a person arrested for disagreeing with the government.	A D
A D	3. The editor of a major newspaper must obey the governor of Florida if the governor requests a news story to be shut down.	A D
A D	4. You have the right to send a letter to leaders in your government asking them to change a law you disagree with.	A D

Guaranteeing Civil Liberties

The first 10 amendments to the Constitution are known as the Bill of Rights. The Bill of Rights lists the basic freedoms that all citizens of the United States have. These freedoms are also called **civil liberties**. “Civil” means relating to citizens. So civil liberties are those liberties relating to people. Protecting civil liberties is one of the most important parts of a democracy. Having civil liberties gives citizens the power to have their own beliefs. They also give citizens the power to express themselves to others and the government. The Bill of Rights states that the government may not take away our civil liberties.

The First Amendment in the Bill of Rights protects five basic freedoms.

1. Freedom of Religion The First Amendment protects religious freedom in two ways. It says that the government may not set up an official religion for the country. It also says that people are free to worship in any way they choose.

2. Freedom of Speech **Free speech** means being able to say what we think without fear of being punished by the government. The First Amendment gives us the right to express ideas even if they offend other people. Not all free speech is expressed in words. It also protects the right to express yourself in music, art, and dress.

3. Freedom of the Press “The press” means sources of news and information. It includes books, newspapers, and magazines. It also includes radio, television, and the Internet. The First Amendment forbids government **ensorship** of the press. This means that the government cannot tell the press what it can or cannot print or broadcast. A free press is important in a democracy. It helps keep the government honest by telling the people about mistakes or misuse of power.

4. Freedom of Assembly This is the right to gather in groups. Meetings, parades, and protests are all forms of assembly. We have the right to assemble for any reason, as long as the assemblies are peaceful. We also have the right to associate with, or join, any group we want.

5. Freedom to petition the government A **petition** is a formal request. It may be a statement signed by many people. It may also be a simple letter from one person. A petition is a way to tell the government what you think.

Mark the Text



1. As you read this section, underline the five civil liberties protected by the First Amendment.

Show Your Skill

2. **Identify the Main Idea** What different kinds of media make up the press?

Think Critically

3. **Explain** Why is a free press important to democracy?

Think Critically

4. Contrast What is the difference between slander and libel?

Show Your Skill

5. Make Inferences What do you think might happen if there were no limits on civil liberties?

Take the Challenge

6. With a small group, act out an example of limits on civil liberty to another small group. Have the other group members guess which limits you are showing.



These citizens in Miami peacefully protest the governor's budget proposals, a right that is guaranteed by the Constitution.

Limits on Civil Liberty

The First Amendment does not allow Americans to do and say whatever they want to. Each person's rights must be balanced against the rights of others. That means that acting on your rights should not harm others or the community. Communities also have rights. In order to protect the rights of everyone, the government places limits on our civil liberties.

For example, free speech gives you the right to criticize public figures. It does not give you the right to tell lies about them. Spreading lies is a crime. If the lies are spoken, the crime is called **slander**. If the lies are printed, the crime is called **libel**.

Other restrictions, or limits, on civil liberties protect public safety. For example, no one has the right to say or write anything that directly leads someone to commit a crime. Another example is that people have the right to march in protest, but not to riot.

People must use their civil liberties in a responsible way. That means respecting the rights of others. For example, you can listen to whatever music you want—but not so loud that you disturb your neighbors. When one person's rights come into conflict with the rights of the community, the community often comes first.



NGSS Check Identify two ways the Constitution limits individual rights.
SS.7.C.2.5



LESSON

2

OTHER BILL OF RIGHTS PROTECTIONS

Essential Question

How do societies balance individual and community rights?

Guiding Questions

1. How does the Bill of Rights protect the rights of the accused?
2. What other protections does the Bill of Rights offer?

Terms to Know

the accused

person(s) charged with a crime

search warrant

court order to search a suspect's property

probable cause

valid reason

due process

legal steps that must be followed

eminent domain

the government's power to take private property

indictment

formal charge by a grand jury

double jeopardy

being tried twice for the same crime

self-incrimination

testifying against oneself

bail

money that an accused person pays to remain free while waiting for a trial

It Matters Because

Other parts of the Bill of Rights provide important protections.



The Second Amendment of the Bill of Rights says that citizens have the right to "keep and bear arms." What do you think this means?

What Do You Know?

Directions: Use the table below to answer the questions based on what you know "Now." After the lesson, complete the "Later" column.



	Now	Later
What rights do people accused of a crime have?		
What is one way that the U.S. Constitution limits the power of the federal government?		

Show Your Skill

1. In your own words, define *due process*.

Mark the Text

2. Underline the amendment that protects an accused person's right to remain silent.

networks™ Read Chapter 6 Lesson 2 in your textbook or online.

Rights of the Accused

An important part of democracy is protecting the rights of people accused of crimes. The Fourth, Fifth, Sixth, and Eighth Amendments protect the rights of the **accused**—people charged with crimes. These amendments guarantee their right to fair legal treatment.

The Fourth Amendment has to do with searches. It says that no law officer can search a person's home or property without a search warrant. A **search warrant** is a court order. It allows the police to search property to look for evidence from a crime. To get a search warrant, the police must convince a judge that they have **probable cause** to suspect a person of a crime. Probable cause means to have a valid reason.

The Fifth Amendment protects many rights. It protects every citizen's right to due process of the law. **Due process** refers to the legal steps that must be followed before the government can take away a person's life, freedom, or property. For example, the government cannot take a person's house without paying a fair price for it. The government has the power to take away property to be used for the public if it pays for the property. This power is called **eminent domain**. The Fifth Amendment limits this power.

The Fifth Amendment also says:

- No one can be tried for a serious crime without an indictment. An **indictment** is a formal charge from a grand jury. This is a group of citizens that looks at evidence to decide if a person may have carried out a crime.
- No one can be put on trial twice for the same crime. This is called **double jeopardy**.
- ◆ No one can be forced to testify against himself or herself. This is called **self-incrimination**.

These St. Petersburg police officers walk away after a shoot-out between a suspect and police who were serving a search warrant.



PHOTO: Tim Boyles/Getty Images
Copyright © by The McGraw-Hill Companies, Inc.

The Sixth Amendment guarantees other rights to accused persons.

- They must be told the charges against them.
- They must be allowed a speedy and fair trial.
- ◆ They have the right to a public trial by a jury, or to be tried by a judge if they wish.
- ◆ They have the right to hear, question, and call witnesses.
- ◆ They have the right to a lawyer.

The Eighth Amendment says that bail may not be set too high. **Bail** is a type of security deposit. It is money that an accused person pays to remain free while waiting for trial. The Eighth Amendment also forbids “cruel and unusual” punishment. The question of what punishments are cruel and unusual is a matter of debate.

Think Critically

3. Summarize What four rights are protected by the Sixth Amendment?

Mark the Text

4. Graphic Organizer In each circle of the diagram, write the protections that each amendment provides.



Think Critically

5. Infer How have the courts interpreted the Second Amendment?

Show Your Skill

6. Draw Conclusions In what way does the Ninth Amendment protect civil liberties?

Take the Challenge

7. Create an Amendment handbook that illustrates the rights that are protected by the Second, Third, Seventh, Ninth, and Tenth Amendments to the Constitution.

Additional Protections

The Second, Third, Seventh, Ninth, and Tenth Amendments protect other rights of American citizens.

The Second Amendment states that people have the right to “keep and bear arms.” People do not agree about the exact meaning of that phrase. The courts have ruled that the government cannot stop people from owning guns. It can pass laws to control the way guns are licensed and sold.

The Third Amendment says that soldiers may not move into people’s homes without permission. This was important to early American colonists. They were forced to house and feed British soldiers.

The Seventh Amendment talks about the rights of people involved in lawsuits. Lawsuits are also called civil cases. Civil cases are about disagreements between people rather than crimes. Civil cases are tried in the courts.

The Ninth Amendment says that people’s rights are not limited to what is in the Bill of Rights. People retain, or hold on to, other rights as well. The government may not deny those rights just because they are not spelled out in the Constitution.

The Tenth Amendment says that any powers not given to the federal government belong to the states or the people. This is meant to keep the president and Congress from becoming too strong.



Chief Judge Belvin Perry, Jr., speaks during a civil case at the Orange County Courthouse in Orlando.



NGSS Check Identify three ways that the Bill of Rights protects someone accused of a crime. **SS.7.C.2.4**

FURTHERING CIVIL LIBERTIES



Essential Question

How do societies balance individual and community rights?

Guiding Questions

1. How were civil rights extended following the Civil War?
2. In what ways have twentieth-century amendments affected voting rights and changed the election process?

Terms to Know

black codes

state laws that limited the rights of African Americans

suffrage

the right to vote

poll tax

fee that is charged for voting

It Matters Because

Voting is the way the people in a democracy make their wishes known.

In the United States, elections are held to fill positions in local, state, and the national government. Does your school hold elections for student groups such as student council? Use the space below to brainstorm a list of current or past elected officials that you can recall.

National Government:

Local Government:

Florida Government:

Your School:

What Do You Know?

Directions: Use what you know to complete the paragraph below.

In a _____, leaders are elected by the _____ and must answer to them. All genuine democracies have free, fair, and competitive _____. Everyone's _____ must carry the same weight. This principle is often expressed as "one person, one _____."



Show Your Skill

1. Draw Conclusions Why was the Fourteenth Amendment needed?

Mark the Text

2. Graphic Organizer Complete the graphic organizer. Write a sentence in each box summarizing the importance of each amendment.

networks™ Read Chapter 6 Lesson 3 in your textbook or online.

Civil War Amendments

Before Reconstruction, the Bill of Rights was meant to protect citizens from the power of the federal government. It did not apply to state governments. Because of this, states could and often did pass laws that denied people's rights. For example, women and African Americans could not vote in most states. Slavery was legal in southern states. Enslaved African Americans had almost no rights at all and were often treated as property.

After the Civil War, three new amendments were added to the Constitution. They extended civil liberties to African Americans. The first was the Thirteenth Amendment. It made slavery illegal.

Though slavery was against the law, many states still would not give African Americans basic rights. Many southern states passed laws called **black codes**. Black codes put strict limits on where freed slaves could live and what jobs they could do. The Fourteenth Amendment was passed to protect the rights of the newly freed slaves.

Thirteenth Amendment

Civil War Amendments

Fourteenth Amendment

Fifteenth Amendment

The Fourteenth Amendment struck down the black codes. It said that all people “born or naturalized in the United States” were citizens. That included most African Americans. It said the states had to give all citizens “equal protection of the laws.” It also said that the states must guarantee due process to all citizens.

Since that time, the “equal protection” part of the Fourteenth Amendment has helped women and other groups gain equal rights. The Supreme Court has also said that the “due process” part of the amendment makes the Bill of Rights binding on the states. This is known as the incorporation doctrine. It means that American citizens in every state have the same basic rights.

The last Civil War amendment was the Fifteenth Amendment. It extended **suffrage**, or the right to vote, to African Americans. However, it applied only to men. State laws still kept women from voting in most elections until 1920.

Mark the Text



3. Underline the meaning of *incorporation doctrine*.

Think Critically

4. **Describe** How did the Seventeenth Amendment put more power in the hands of the people?

Electoral Process and Voting Rights

The Constitution was amended several more times in the 1900s. Some new amendments extended the right to vote to more people. Others changed the way we elect government leaders. These changes helped put more power in the hands of the people.

The Seventeenth Amendment changed the way U.S. senators are chosen. It was passed in 1913. Until then, members of the Senate were chosen by the legislatures of their states. The Seventeenth Amendment allowed people to elect their senators directly.

Copyright © by The McGraw-Hill Companies, Inc. PHOTO: Joe Raedle/Getty Images



In Coral Gables, supporters rally for Democratic presidential hopeful Senator Hillary Clinton during a campaign stop on May 21, 2008.

Think Critically

5. Explain What groups gained the right to vote by constitutional amendment in the 1900s?

Mark the Text



6. Chart For each amendment, check the column that shows whether it extended voting rights or changed the electoral process.

Take the Challenge

7. Write a proposal for a new amendment that would affect voting rights or the electoral process.

The Nineteenth Amendment gave women the right to vote. The question of woman suffrage had always been left up to the states. Most states did not allow it. This changed in 1920 when the Nineteenth Amendment passed. It gives women the right to vote in all elections.

The Twenty-third Amendment was added in 1961. It gave voting rights to people living in Washington, D.C. "D.C." stands for the District of Columbia. Because this area is not part of any state, its residents could not vote in national elections. The Twenty-third Amendment gave them the right to vote for president and vice-president. But even today they do not have representatives in Congress.

The Twenty-fourth Amendment was added in 1964. It eliminated **poll taxes**. A poll tax is a fee that is charged for voting. Southern states used poll taxes to keep poor people from voting. This kept most African Americans away from the polls. It also affected poor whites.

In 1971 the Twenty-sixth Amendment lowered the voting age to 18 years of age. Before then, most states had set the minimum age for voting at 21.

	Voting Rights	Electoral Process
17th Amendment		X
19th Amendment		
23rd Amendment		
24th Amendment		
26th Amendment		



NGSSS Check Name two ways that the Civil War amendments added to individual freedoms. **SS.7.C.2.4**

ESSENTIAL QUESTION *How do communities balance individual and community rights?*

Reflect on What It Means . . .

Communities often have to balance their needs with those of individuals in the community. For example, if a community wants to build a library on land that is already being used for a park, it may upset some people in the community.

Search newspapers, magazines, or news Web sites for stories that relate to what you have learned about individual and community rights.

1st

To My Community

Find a headline about an event in your community or another community in Florida. The event should relate to balancing individual or community rights. Write the headline below, or cut it out of the newspaper or a magazine and paste it below.

2nd

To the World

Find a headline about individual or community rights in a different country. Write it below, or cut it out of a newspaper or magazine and paste it below.

What It Means To Me

How has the need to balance individual and community rights affected you? Use the space below to write a news headline about your own life that shows how you balance your rights with the rights of those around you. Then, write a short news story that describes the event in more detail.

TAKE THE CHALLENGE

As a class, create the front page of a newspaper or news Web site that combines the best headlines you found on your own. Give your newspaper or site a name. Publish it on your teacher's Web site or blog.