



Chapter

# 4

# The Bill of Rights



## Why It Matters

Americans have the right to speak out on issues and make their feelings known. 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. It guarantees that people will not be punished for stating their beliefs even if most people disagree with those beliefs.



# BIG Ideas

## Section 1: The First Amendment

The Constitution of the United States establishes and protects fundamental rights and liberties.

The First Amendment protects five basic freedoms that are essential to the American way of life.

## Section 2: The Bill of Rights

The Constitution of the United States establishes and protects fundamental rights and liberties.

The first 10 amendments to the Constitution describe the rights of American citizens.

## Section 3: Extending the Bill of Rights

A constitution reflects the values and goals of the society that creates it. Some Americans have not always enjoyed the full rights of United States citizens.

## Section 4: The Civil Rights Struggle

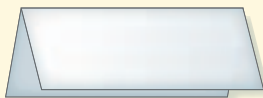
Political, social, religious, and economic changes influence the way Americans think and act. In the 1950s and 1960s, many African Americans began an organized fight for their rights as citizens.

◀ Rally for immigrant rights, Oakland, California

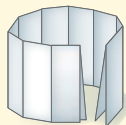
### FOLDABLES™ Study Organizer

**Organizing Information Study Foldable** Make the following Foldable to help you organize information about the Bill of Rights.

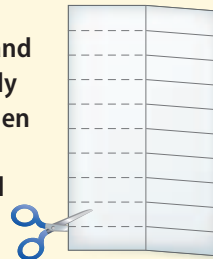
**Step 1** Fold a sheet of paper in half from side to side.



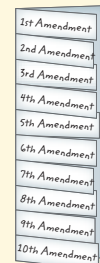
**Step 2** Turn the paper and fold it in fifths.



**Step 3** Unfold and cut the top layer only along both folds. Then cut each of the five tabs in half. This will make 10 tabs.



**Step 4** Label your Foldable as shown.



**Reading and Writing** As you read, select key facts about each amendment to the Constitution and write them under the tabs of your Foldable.



Section  
**1**

# The First Amendment

## Guide to Reading

### Big Idea

The Constitution of the United States establishes and protects fundamental rights and liberties.

### Content Vocabulary

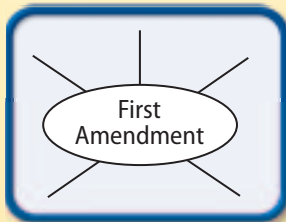
- civil liberties (p. 121)
- censorship (p. 122)
- petition (p. 123)
- slander (p. 124)
- libel (p. 124)

### Academic Vocabulary

- media (p. 122)
- imply (p. 123)

### Reading Strategy

**Identifying** As you read, identify the main rights outlined in the First Amendment.



***Real World Civics*** Today it is not unusual to see a minority or a woman delivering the news on national television. This was not always the case. Former CNN correspondent Maria Hinojosa led a panel discussion among important artists of color about this issue. Even though the Bill of Rights gives Americans the right to free speech, free press, and free expression, it did not ensure these opportunities would be given to all Americans. Hinojosa's career success, and that of other minorities, represented an acceptance of multicultural voices in mainstream media, music, and the arts that is relatively recent in American history.

▼ **Latina CNN correspondent, Maria Hinojosa, speaks on a panel about multicultural music in Washington, D.C.**



**1.07** Evaluate the extent to which the Bill of Rights extended the Constitution.





# First Amendment Freedoms

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

**Civics & You** As you learn about the First Amendment, think about how life in the United States might be different if we did not have these rights.

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.

**Civil Liberties** The Bill of Rights protects our **civil liberties**—the freedoms we have to think and to act without government interference or fear of unfair treatment. 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.

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.

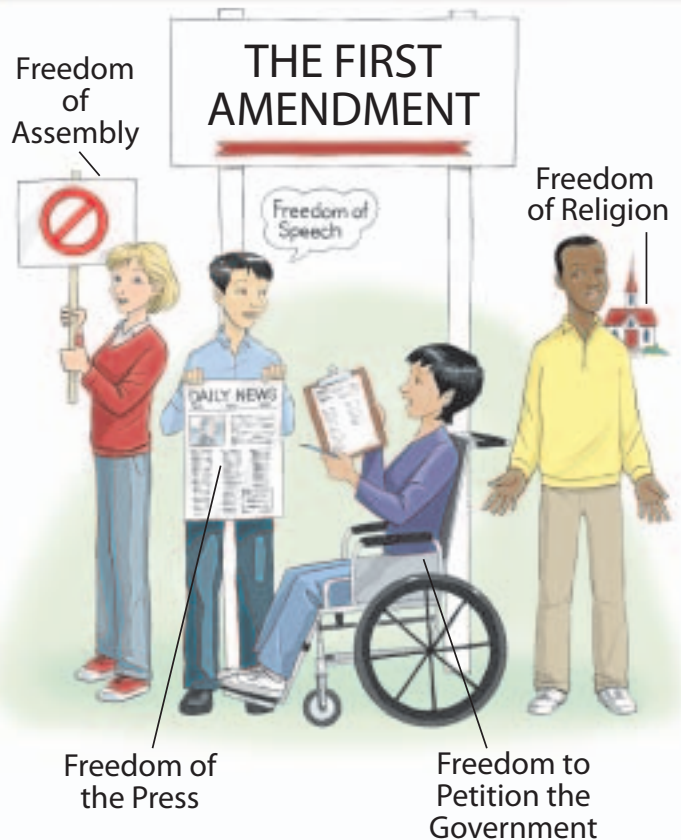
## Freedom of Religion

Intolerance of different beliefs in their homelands forced many colonists to come to America in the first place. The First Amendment safeguards religious freedom in two ways. First, the amendment prohibits

Congress from establishing an official religion in the United States. This is known as the establishment clause. In 1802 President Thomas Jefferson referred to the First Amendment’s establishment clause as a “wall of separation between church and state.”

This makes the United States different from countries in which a state religion is established. It also makes us different from nations that have in the past strongly discouraged the practice of religion at all, such as the former Soviet Union and People’s Republic of China.

## The First Amendment



### Analyzing Charts

- Identifying** What rights are listed in the First Amendment?
- Explaining** What is meant by the “press” in this amendment?



Second, this amendment guarantees Americans the right 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 for expressing their ideas, even if they do so in private conversations. 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, and even clothing.

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

**Buddhist New Year** Buddhist monks in San Francisco’s Chinatown celebrate the 2006 Chinese New Year by bringing families together, sharing food, and praying for good health and prosperity. A Sikh woman (inset) prays during a weekly religious ceremony. **Inferring Why do you think the Framers included freedom of religion in the First Amendment?**





**The Zenger Case** In 1733, publisher John Peter Zenger, in his paper the *New-York Weekly Journal*, was arrested and imprisoned for criticizing the governor of New York. Andrew Hamilton, Zenger’s lawyer, argued that only a press free to criticize the government could prevent that government from abusing its power. Zenger was acquitted. At the time, the case attracted little attention, but today it is regarded as a landmark in the development of free press in America.

After the American Revolution, several states provided for the freedom of the press in their state constitutions. Later, the First Amendment of the U.S. Constitution provided for a free press in American society as a whole. The mass media—newspapers, magazines, television, radio, and the Internet—however, are not totally free of government regulation.

Many reasonable restrictions can be placed on rights of the media. For example, no person has the right to use printed words to injure another person’s character or reputation. Supreme Court rulings allowed the press to be limited when the printed materials might threaten national security. Laws also prohibit the printing and distribution of obscene materials.

## 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**, or suggests, 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 of the Press** Supporters celebrate John Peter Zenger’s acquittal. **Explaining Why is the Zenger case significant?**

## 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, or 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 is meant by a “petition” in freedom to petition?



# First Amendment Limits

**Main Idea** All constitutional rights are limited. These limitations are necessary to ensure our other rights are protected.

**Civics & You** The First Amendment protects free speech, but does it protect speech that damages a person’s character or reputation? Read to find out what limits are placed on our First Amendment freedoms.

The First Amendment guarantees Americans the right to express their thoughts and opinions. However, this is not an absolute freedom. 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. 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 loud-speaker broadcasts. You may criticize government officials, but you may not spread lies that harm a person’s reputation. Spreading spoken lies is a crime called **slander**. It is called **libel** if lies are printed.

The First Amendment was never intended to allow Americans to do whatever they please. 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?

## Section Review 1

### Vocabulary

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

### Main Ideas

2. **Analyzing** Why was the First Amendment added to the Constitution immediately?
3. **Explaining** What is the difference between libel and slander?

### Critical Thinking

4. **BIG Ideas** Which First Amendment right do you think is the most important? Explain your view.
5. **Classifying** In a chart like the one below, list two limitations to our First Amendment freedoms.

Limitations to First Amendment Freedoms
1.
2.

6. **Analyzing** Why do you think the right to petition is considered an important basic freedom?

### CITIZENSHIP Activity

7. **Persuasive Writing** How do you think the First Amendment’s freedom of the press protections should be applied during wartime? Do you think that the government should be allowed to censor press coverage or that the press should be allowed to report on what it sees? Write an essay expressing your view. Give reasons to support your answers.



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

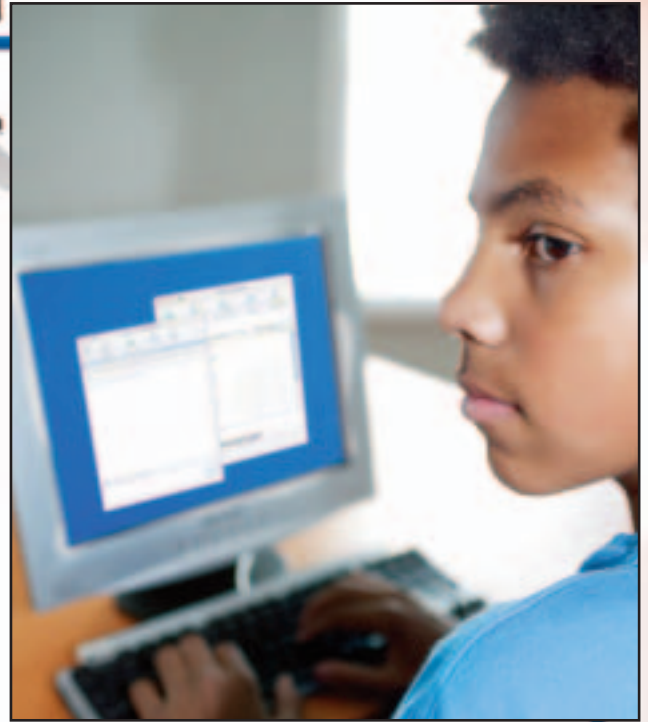


# Issues to Debate



## Is the Patriot Act an infringement of privacy?

A terrorist attack shocked the United States on September 11, 2001. Congress quickly responded to the Attorney General's call for changes in the law to combat terrorism. President George W. Bush signed the Patriot Act as a new tool to fight "a threat like no other our Nation has ever seen." Later, some members of Congress and concerned citizens said some parts of the act violated the Fourth Amendment's protection against unreasonable searches and seizures. Before most searches, officers must obtain a warrant from a judge, showing "probable cause" and describing the place to be searched and the persons or things to be seized. The Patriot Act made exceptions to these requirements. Section 215 permitted the FBI to go before the Foreign Intelligence Surveillance Court for an order to search for "any tangible things" connected to a terrorism suspect.



Schools place restrictions on computers to protect students from visiting undesirable Internet sites. Some consider this a form of surveillance.

### YES

In November 2003, the American Civil Liberties Union contended that the Patriot Act contains "flaws that threaten your fundamental freedoms by giving the government the power to access to your medical records, tax records, information about the books you buy or borrow without probable cause, and the power to break into your home and conduct secret searches without telling you for weeks, months, or indefinitely." In 2004 the ACLU filed a lawsuit to overturn a Patriot Act provision that gave the government authority to obtain customer records from Internet service providers and other businesses without a warrant.

—American Civil Liberties Union

### NO

Senator Orrin Hatch of Utah voted for the Patriot Act and defended it when Congress voted to renew most of its provisions. In 2003 he said, "The Patriot Act has not eroded any of the rights we hold dear as Americans. I would be the first to call for corrective action, were that the case. Yet not one of the civil liberties groups has cited one instance of abuse of our constitutional rights. . . . We should not undermine or limit our law enforcement and intelligence agencies' efforts by imposing requirements that go above and beyond those required by the Constitution. That would only have the effect of protecting terrorists and criminals while endangering the lives of innocent Americans."

—Senator Orrin Hatch

### Debating the Issue

- 1. Describing** How does the Fourth Amendment attempt to protect Americans' privacy?
- 2. Describing** What must an officer of the law do to obtain a warrant for a search?
- 3. Explaining** Why were some people concerned about the provisions in Section 215?
- 4. Concluding** Were the concerns of people who opposed some provisions of the Patriot Act justified? Explain.





Section  
**2**

## Guide to Reading

# The Bill of Rights

### Big Idea

The Constitution of the United States establishes and protects fundamental rights and liberties.

### Content Vocabulary

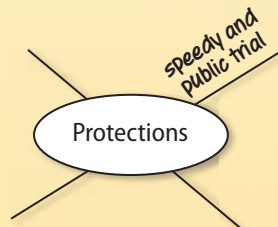
- search warrant (p. 127)
- indictment (p. 128)
- grand jury (p. 128)
- double jeopardy (p. 128)
- due process (p. 128)
- eminent domain (p. 128)
- bail (p. 129)

### Academic Vocabulary

- proportion (p. 129)
- involve (p. 131)

### Reading Strategy

**Summarizing** On a graphic organizer like the one below, discuss four ways that the Bill of Rights protects the rights of the accused.



**Real World Civics** Some dogs are pets and some dogs perform a civic duty during a legal search. Below, police officer Tom Kolbert and his K-9 partner, Reggie, check student lockers in a Cheektowaga, New York, high school for contraband. Most dogs have a sense of smell that is 1,000 times more sensitive than a human's. With proper training, sniffer dogs can detect explosives, weapons, and illegal drugs. The Supreme Court holds that an individual's right to privacy does not extend to illegal activities and has ruled that K-9 searches are legal.

▼ A drug-sniffing dog and police officer search lockers



**NORTH CAROLINA STANDARDS**  
Civics and Economics

- 1.07** Evaluate the extent to which the Bill of Rights extended the Constitution.
- 2.07** Identify modern controversies related to powers of the federal government that are similar to the debates between Federalists and Anti-Federalists over ratification of the United States Constitution.
- 4.05** Analyze consequences of compliance or noncompliance with laws governing society.
- 5.03** Describe the adversarial nature of the judicial process.



# Protecting the Rights of the Accused

**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.

**Civics & You** How well do you know what constitutional protections you enjoy as a United States citizen? Read about your rights under the Bill of Rights.

The First Amendment freedoms 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 probable, or a valid, cause.

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 easily. They must be convinced that a search will probably turn up evidence of criminal activity.

## Rights of the Accused

### FIFTH AMENDMENT

- No trial may be held unless a person is formally charged, or indicted, by the 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.



### Analyzing Charts

1. **Identifying** Which amendment guarantees that if you are arrested, you will be informed of the charges against you?
2. **Explaining** What is due process of law?



**Legal Searches** Reasonable searches can take place when the county police have cause to suspect a crime has been committed. **Analyzing How does a search warrant help protect the rights of a person accused of a crime?**

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If warrants were issued frivolously, the Fourth Amendment would give us little sense of security. Anytime 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.

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.

The Fifth Amendment also protects a citizen's property rights. It limits the government's power of eminent domain. **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. The Fifth Amendment limits this power and requires the government to pay a fair price for the property.

## The Sixth Amendment

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

If an accused person asks for 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 area in which the crime took place.



Porter Gifford/Liaison Agency/Celity Images

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. The Eighth Amendment, however, forbids “excessive” bail—that is, an amount that is much too high. Excessive does not just refer to what a person can afford to pay. In determining bail, a judge considers various

factors, including the type of crime committed, the record of the accused person, and the likelihood that the accused will appear in court. In some cases, bail may be denied, as when a defendant is likely to flee.

When a person is convicted of a crime, the Eighth Amendment protects him or her against having to pay excessive fines. Fines may vary, however, depending on the seriousness of the crime.

The Eighth Amendment 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**, or balanced, 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?

**Gun Ownership** Individuals may own firearms if laws are obeyed. At this firing range in Massachusetts, gun owners are trained on weapon safety. **Speculating Why did the Framers think the right to bear arms was an important right to protect?**





## Jackie Fernandez

**Y**ou can probably find Jackie Fernandez, 17, of Alexandria, Virginia, in a local bookstore. She is one of the writers of a new book published by Bill Rhatican, her AP government teacher at West Potomac High School.



**QUESTION:** Can you tell us about the book?

**ANSWER:** It's called *The Constitution: Written in Sand or Etched in Stone?* The book is a collection of essays written by students about the U.S. Constitution and the Bill of Rights.

**Q:** What's your essay in the book about?

**A:** Fanfiction, or fictional stories about characters from books and movies that are already copyrighted. For example, if I wanted to write a story about what the character Yoda did between *Star Wars: Episode III* and the original *Star Wars* movies—that would be fanfiction.

**Q:** How does this relate to the Bill of Rights?

**A:** I think the First Amendment protects the fanfiction author's freedom of speech, while the Fifth Amendment protects the original creator's right to property. In other words, one part of the Bill of Rights allows me to write about Yoda, but another part of the Bill of Rights protects the person who thought Yoda up. So fanfiction is both condemned and protected by the Bill of Rights.

**Q:** Is the Bill of Rights a "living" document?

**A:** Yes! If the Bill of Rights wasn't "alive," it wouldn't be applicable to modern-day inventions.

**Q:** How will it feel to see the book in stores?

**A:** Amazing. I've always wanted to be published. It's like a dream come true!

### Making a Difference

### CITIZENSHIP

Write a paragraph on how freedom of expression has taken place in your life.

## Other Protections

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

**Civics & You** Several of the first 10 amendments deal with the rights of people accused of committing a crime. Why do you think the constitution protects the rights of the accused?

**T**here 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 of volunteer soldiers.

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.

### Civics ONLINE

**Student Web Activity** Visit [glencoe.com](http://glencoe.com) and complete the Chapter 4 Web Activity.



## 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**, or contain, disagreements between people rather than crimes. The Seventh Amendment provides for the right to a jury trial in federal courts to settle all disputes about property worth more than \$20. When both parties in a conflict agree, however, a judge rather than a jury may hear evidence and settle the case.

## The Ninth Amendment

The Ninth Amendment states that all other rights not spelled out in the Constitution are “retained by the people.” This amendment prevents the government from claiming that the only rights people have are those listed in the Bill of Rights. The Ninth Amendment makes it clear that citizens have other rights beyond those listed in the Constitution, and those rights may not be taken away.

## The Tenth Amendment

The first eight amendments grant the people rights. The Ninth Amendment states that the rights guaranteed in the Constitution are not the only rights the people have.

Unlike the other amendments, the Tenth Amendment did not add anything to the ratified Constitution. The Tenth Amendment states that any powers the Constitution does not specifically give to the national government are reserved for the states and for the people. (This amendment is the source of many of the reserved powers you learned about in Chapter 3.) The amendment expresses the idea that the federal government is limited only to the powers it is granted in the Constitution.

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 Review 2

### Vocabulary

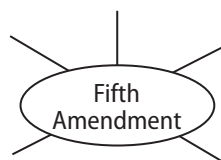
1. **Write** sentences related to the Bill of Rights using the following terms: *search warrant, indictment, grand jury, double jeopardy, due process, eminent domain, bail.*

### Main Ideas

2. **Hypothesizing** Why do you think the Framers of the Constitution addressed the legal treatment of the accused in so many amendments?
3. **Explaining** How do the Ninth and Tenth Amendments limit the power of government?

### Critical Thinking

4. **BIG Ideas** Which of the first 10 amendments do you think is the most important? Why?
5. **Organizing** In a web diagram similar to the one below, identify important rights in the Fifth Amendment.



### CITIZENSHIP Activity

6. **Persuasive Writing** 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.



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



# LANDMARK SUPREME COURT CASE STUDIES

## Tinker v. Des Moines School District

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.

### Background of the Case

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, wore black armbands to protest the Vietnam 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.



Lorena, Paul, and Mary Beth Tinker hear their case has been settled in their favor.

### 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.”

—Justice Abe Fortas

### Why It Matters

Supporters saluted the decision that “students are entitled to freedom of expression of their views.” 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. Later decisions, such as *Bethel School District v. Fraser* (1986) and *Hazelwood School District v. Kuhlmeier* (1988), narrowed students’ First Amendment rights while expanding the authority of school officials.

### Analyzing the Court Decision

- Explaining** Why did the students’ lawyers argue that the armbands were protected by the First Amendment?
- Inferring** How did Judge Fortas’s concept of “pure speech” extend First Amendment free-speech rights?



Section  
**3**

## Guide to Reading

### Big Idea

A constitution reflects the values and goals of the society that creates it.

### Content Vocabulary

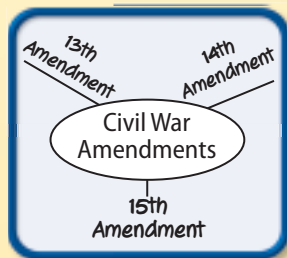
- suffrage (p. 135)
- poll tax (p. 137)

### Academic Vocabulary

- violate (p. 134)
- specify (p. 137)

### Reading Strategy

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



# Extending the Bill of Rights

***Real World Civics*** In the 1948 primary elections, thousands of African Americans across the country stood in line to exercise their right to vote for the first time since 1876. They faced possible violence, name calling—even losing their jobs. Although the Fifteenth Amendment guarantees the right to vote, some states created obstacles such as poll taxes, passing a literacy test, or proving property ownership to avoid letting minorities vote. In 1944, the Supreme Court ruled that these requirements, specifically designed to exclude African Americans, were illegal.

▼ African American voters line up to receive ballots in Columbia, South Carolina, in 1948



**NORTH CAROLINA STANDARDS**  
Civics and Economics

**3.06** Analyze how the Fourteenth Amendment extends the Bill of Rights' protection to citizens of a state.





# Civil War Amendments

**Main Idea** The Thirteenth, Fourteenth, and Fifteenth Amendments are called the Civil War amendments because they grew out of that war.

**Civics & You** In our country, freedom and the right to express our opinions are precious rights. Read to learn about efforts to extend these rights.

The Bill of Rights was intended originally to constrain 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 **violate**, or disobey, civil liberties. In most parts of the country, for example, women and African Americans could not vote. 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.

Three amendments were passed after the Civil War to extend civil liberties to African Americans. However, the promise of these Civil War amendments was not fulfilled for almost 100 years. Many states were slow to

**The Right to Vote** Following the Civil War, African Americans across the South voted for the first time. Many states tried to make it difficult for them to exercise this right. **Identifying Who else besides African Americans were prevented from voting after the Civil War?**



change their customs; some actively resisted. The federal government and the Supreme Court often seemed indifferent.

## The Thirteenth Amendment

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

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 excluded African Americans from 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.” In recent years, this clause has been used to benefit women, people with disabilities, and other groups whose rights have not always been protected fairly.

The Fourteenth Amendment also 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.” These provisions made the Bill of Rights binding for state governments as well as the federal government. This is called the nationalization of the Bill of Rights.

The Supreme Court, however, ignored this interpretation of the Fourteenth Amendment until 1925. Then, 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.”



## Constitutional Amendments

<b>ELEVENTH AMENDMENT (1795)</b>	<b>NINETEENTH AMENDMENT (1920)</b>
• Places limits on suits against states	• Gives women the right to vote
<b>TWELFTH AMENDMENT (1804)</b>	<b>TWENTIETH AMENDMENT (1933)</b>
• Revises procedure for electing the president and vice president	• Changes the dates of congressional and presidential terms
<b>THIRTEENTH AMENDMENT (1865)</b>	<b>TWENTY-FIRST AMENDMENT (1933)</b>
• Abolishes slavery	• Repeals Prohibition (Eighteenth Amendment)
<b>FOURTEENTH AMENDMENT (1868)</b>	<b>TWENTY-SECOND AMENDMENT (1951)</b>
• Defines United States citizenship; guarantees all citizens “equal protection of the laws”	• Limits presidents to two terms in office
<b>FIFTEENTH AMENDMENT (1870)</b>	<b>TWENTY-THIRD AMENDMENT (1961)</b>
• Prohibits restrictions on the right to vote based on race and color	• Gives residents of the District of Columbia the right to vote
<b>SIXTEENTH AMENDMENT (1913)</b>	<b>TWENTY-FOURTH AMENDMENT (1964)</b>
• Gives Congress the power to levy an income tax	• Abolishes poll taxes
<b>SEVENTEENTH AMENDMENT (1913)</b>	<b>TWENTY-FIFTH AMENDMENT (1967)</b>
• Enables voters to elect senators directly	• Establishes procedures for succession to the presidency
<b>EIGHTEENTH AMENDMENT (1917)</b>	<b>TWENTY-SIXTH AMENDMENT (1971)</b>
• Prohibits making, drinking, or selling alcoholic beverages (Prohibition)	• Sets voting age at 18 years
	<b>TWENTY-SEVENTH AMENDMENT (1992)</b>
	• Delays congressional pay raises until the term following their passage

### Analyzing Charts

- Identifying** Which is the amendment that specifically deals with women’s rights?
- Explaining** Why do you think the Framers made the amendment process so difficult?

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.

## The Fifteenth Amendment

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, in reality, protected only men. 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.



### Reading Check

**Explaining** What did the Thirteenth Amendment outlaw in addition to slavery?



## Later Amendments

**Main Idea** Amendments added to the Constitution in the twentieth century deal with a wide range of topics.

**Civics & You** Our Constitution has endured for more than 200 years with only 27 amendments. Read to find out about the amendments added to the Constitution in the twentieth century.

**G**radually, 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 extended the rights of Americans to participate fully in the democratic process. A number of amendments deal with voting rights.

### The Seventeenth Amendment

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. Ratified in 1913, the Seventeenth Amendment allows voters to elect their senators directly. This change in the election process gave Americans a greater voice in their government.

### The Nineteenth Amendment

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.

**Anthony and Stanton** However, national support for woman suffrage was slow in coming. Woman suffrage leaders Susan B. Anthony and Elizabeth Cady Stanton had



**18-Year-Olds Get the Vote** In 1971 President Richard Nixon, before a group of young people, signed the Twenty-sixth Amendment. **Explaining** What role did the Vietnam War play in the passing of this amendment?

insisted as early as 1848 that women belonged at the polls. Many who believed that women should not have the same rights as men opposed them, however. It was only in 1920 that the Nineteenth Amendment protected the right of women to vote in all national and state elections.

### The Twenty-third Amendment

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.

As you may know, "D.C.," 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

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 the tax had to be paid not only for the current year, but also for previous unpaid years as well, it was a financial burden for many. 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 elimination of the poll tax allowed many African American citizens to enjoy their full rights as voters for the first time.

## The Twenty-sixth Amendment

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**, or mention, 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 can exercise their right to vote and enjoy the rights of full citizenship.

 **Reading Check Explaining** Who benefitted most from the passing of the Twenty-third Amendment?

## Section Review 3

### Vocabulary

1. **Write** sentences related to voting rights using the following terms: *suffrage, poll tax*.

### Main Ideas

2. **Explaining** How was the promise of the Civil War amendments fulfilled in the mid-twentieth century?
3. **Identifying** One topic covered in the later amendments is the right to vote. Whose voting rights did the twentieth century amendments specifically address?

### Critical Thinking

4. **BIG Ideas** How do you account for the fact that even though the Fifteenth Amendment guaranteed suffrage to African Americans, many were not allowed to vote?
5. **Explaining** On a chart like the one below, explain how each of these amendments extended voting rights.

Amendment	Effect
17th	Voters elect senators directly
19th	
23rd	
24th	
26th	

6. **Analyzing Visuals** Review the chart on page 135. Which amendment guaranteed the right to vote to citizens 18 and older?

### CITIZENSHIP Activity

7. **Persuasive Writing** Because many 18- to 21-year-olds do not vote, some believe the Twenty-sixth Amendment should be repealed. Write a one-page essay expressing your views on this topic.



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



# Financial Literacy

## Cash or Credit?

Debbie is shopping and sees a jacket she really likes on sale for \$300. However, she has a problem—no cash. Since she is 18, she has her own credit card. The card carries an 18 percent annual percentage rate on unpaid balances. Debbie calculates she can afford to pay \$15 a month on the account. Should she buy the jacket or not?

### How Credit Cards Work

Credit is using tomorrow's money to pay for something you get today. A credit card is a useful financial tool. It can be more convenient to use and carry than cash, and it offers valuable consumer protections under federal law.

#### Credit card advantages:

- Buy needed items now
- Do not have to carry cash
- Creates a record of purchases
- Consolidates bills into one payment

#### Credit card pitfalls:

- Higher cost of items (interest and finance charges)
- Financial problems may occur if you lose track of how much you are spending each month
- Leads to impulse buying

Credit has both advantages and disadvantages. By using it wisely, you emphasize the advantages.



### Checklist for Buying on Credit

There are no hard-and-fast rules to tell you whether or not to buy on credit. Answer these questions to help you determine if you are making a wise decision:

1. Do I really require this item? Can I postpone purchasing the item until later?
2. If I pay cash, what will I be giving up that I could buy with this money?
3. Have I done comparison shopping for credit?
4. Can I afford to borrow or use credit now?



### Analyzing Economics

1. **Describing** What are three ways to avoid credit card debt?
2. **Defending** To qualify for a personal credit card, a person must be 18 years old or older. Should the age restriction remain the same or be changed? Defend your response.



Section  
**4**

# The Civil Rights Struggle

## Guide to Reading

### Big Idea

Political, social, religious, and economic changes influence the way Americans think and act.

### Content Vocabulary

- discrimination (p. 140)
- segregation (p. 140)
- civil rights (p. 140)
- affirmative action (p. 143)
- racial profiling (p. 143)

### Academic Vocabulary

- section (p. 140)
- gender (p. 141)

### Reading Strategy

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

Important Laws
Civil Rights Acts of 1964

***Real World Civics*** In September 1957, after weeks of violence, Little Rock Central High School accepted nine African American students—the only black students in the public high school. The teenagers, and their families, could not have imagined how their determination would affect the lives of millions of students who came after them. Now, nearly 50 years later, their bravery is marked by *Testament*, a monument on the Arkansas State Capitol grounds. The former students, Elizabeth Eckford (right), Melba Pattillo Beals (left), and the other students were reunited for the dedication.

▼ Elizabeth Eckford, right, unveils her *Testament* statue in 2005



**NORTH CAROLINA STANDARDS**  
Civics and Economics

- 2.05** Analyze court cases that illustrate that the United States Constitution is the supreme law of the land.
- 3.06** Analyze how the Fourteenth Amendment extends the Bill of Rights' protection to citizens of a state.



# Struggle for Rights

**Main Idea** Although amendments to the Constitution guaranteed rights to Americans, African Americans and other groups still did not enjoy civil rights.

**Civics & You** What would you do if you were denied equal rights when using public transportation or while sitting in a movie theater? Read to find out how the civil rights movement reacted.

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, or parts, 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.

**The Brown Decision** An important gain came in 1948, when President Harry S. 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 this landmark case, the Supreme Court ruled that racial segregation in the public schools was unconstitutional. Segregation violated the Fourteenth Amendment’s principle of equal protection under the law.

TIME

Political Cartoons



Mike Thompson/Copley News Service

Cartoonist Mike Thompson created this image in 2005, when civil rights activist Rosa Parks died at the age of 92.

1. What is the setting for this cartoon?
2. What figures are depicted?
3. How do you interpret the statement made by President Lincoln?

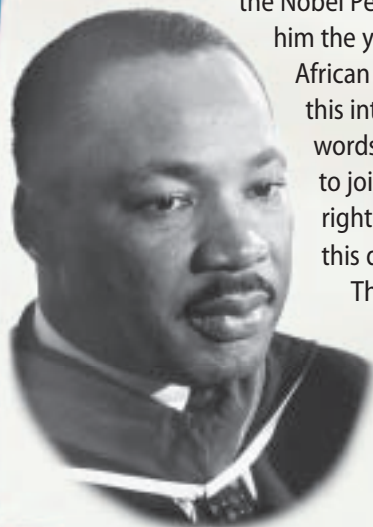
# American Biography

## Martin Luther King, Jr. (1929–1968)

**B**orn in Atlanta, Georgia, in 1929, **Martin Luther King, Jr.**, riveted the country's conscience as a leader of the civil rights movement. He was selected as Man of the Year by *TIME* magazine in 1963. King received the Nobel Peace Prize in 1964, making

him the youngest man and third African American ever to receive this international award. His words and efforts moved many to join in the struggle for equal rights. What drove him into this demanding role in history?

The son of a Baptist minister, King attended Morehouse College and, when he was 18 years old, decided on a career in the ministry. By the



time he first arrived in Montgomery in September 1954 as pastor of the Dexter Avenue Baptist Church, he had also met and married Coretta Scott.

From the beginning of the Montgomery bus boycott, King encouraged his followers to use nonviolent resistance. This meant that those who carried out the demonstrations should not fight with authorities. In spite of his stand on nonviolence, King often became the target of violence.

In April 1968, King was in Memphis, Tennessee, to support a strike of sanitation workers. There, the minister was shot and killed.

### Making a Difference

### CITIZENSHIP

In what way does Dr. King's religious training show itself in his leadership of the civil rights movement?

**Montgomery Bus Boycott** In 1955, one year after the *Brown* decision, an African American woman named Rosa Parks was arrested for refusing to give up her seat to a white man on a Montgomery, Alabama, bus. Parks was arrested for violating Alabama's segregation laws. Her refusal and arrest spurred the local African American community to organize a boycott of the Montgomery bus system. A year later, the Supreme Court ruled that public bus segregation was unconstitutional. Both Parks and Dr. Martin Luther King, Jr., a leader of the boycott, gained national prominence.

**Peaceful Protests** A Baptist minister and stirring speaker, King believed in nonviolent 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.

**Civil Rights Act of 1964** 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 sex, or **gender**, religion, and national origin.

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





# The Struggle Continues

**Main idea** The struggle for equality in America has persisted and has extended to include many groups.

**Civics & You** Regardless of your race, religion, or political beliefs, you have the right to be treated equally under the law. Read more about the efforts to fight discrimination.

**A**lthough the Fifteenth Amendment to the Constitution gave African American males the right to vote, that right was not always respected. By the 1960s, several states had found ways, such as the poll tax, to

discourage African Americans from registering and voting.

Ratified in 1964, the Twenty-fourth Amendment outlawed poll taxes. The Voting Rights Act of 1965 took further steps to ensure that all citizens would have the opportunity to vote, regardless of race. As President Lyndon Johnson said when he signed the act,

*“Millions of Americans are denied the right to vote because of their color. This law will ensure them the right to vote. The wrong is one which no American, in his heart, can justify.”*

—President Lyndon B. Johnson

## Landmark Civil Rights Acts

**BROWN v. BOARD OF EDUCATION OF TOPEKA, KANSAS, 1954**  
Supreme Court rules segregated schools unconstitutional

**OPEN HOUSING ACT OF 1968**  
Prevents people selling or renting homes from using certain forms of discrimination

**CIVIL RIGHTS ACT OF 1957**  
Congress sets up commission on civil rights and creates a division of civil rights in Justice Department

**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

**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

**AMERICANS WITH DISABILITIES ACT OF 1990**  
Bans discrimination in employment, transportation, public accommodations, and telecommunications against persons with physical or mental disabilities

**VOTING RIGHTS ACT OF 1965**  
Empowers federal government to intervene in voter registration discrimination



### Analyzing Charts

- Identifying** What is the legislation that protects the rights of disabled workers?
- Explaining** What is the legislation that banned wage discrimination?



## Civil Rights Gains

In 2006, the United States Senate renewed the Voting Rights Act of 1965, hailing it as one of the most effective pieces of civil rights legislation in history. The civil rights laws of the 1960s were instrumental in opening more doors for minorities. African Americans, Latinos, 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.

## Affirmative Action

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 Explaining** What is the purpose of affirmative action programs?

## Section Review 4

### Vocabulary

1. **Write** a paragraph using the following terms to summarize the civil rights movement: *discrimination, segregation, civil rights, affirmative action, racial profiling.*

### Main Ideas

2. **Identifying** List examples of the discrimination that African Americans faced after the Civil War.
3. **Describing** What other groups besides African Americans are struggling for equality under the law today?

### Critical Thinking

4. **BIG Ideas** Why was the civil rights movement started?
5. **Identifying** Use the graphic organizer below to identify the areas of American life where affirmative action has been used.



6. **Analyzing Visuals** Reexamine the chart on page 142 that lists some landmark acts achieved by civil rights activists. What was the purpose of the Americans with Disabilities Act?

### CITIZENSHIP Activity

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



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# LANDMARK SUPREME COURT CASE STUDIES

## Dred Scott v. Sandford

*Before the Civil War, Americans were asking: Are African Americans citizens of the United States? May Congress prohibit enslavement of African Americans in U.S. territories?*

### Background of the Case

Dred Scott, an enslaved African American, worked for a physician. A member of the military, the physician moved often, taking Scott with him. As a result, Scott lived for a time in the state of Illinois and in the territory of Wisconsin, both slave-free zones. Both zones were also north of the boundary set by Congress in the Missouri Compromise of 1820. The Missouri Compromise permitted slavery south of the line and prohibited slavery north of it.

By 1846, the physician died, and Scott was again living in Missouri. There he continued to work for the physician's widow and her brother John Sanford, who was from New York. Scott sued for his freedom. He claimed that his earlier residence in a free state and a free territory made him free. Missouri's courts denied Scott, however. In order to claim federal court jurisdiction, Scott's lawyers then stated that Scott was a citizen of Missouri bringing suit against Sanford, a citizen of New York.



Dred Scott

### The Decision

The Supreme Court decided the case on March 6–7, 1857. Chief Justice Roger B. Taney spoke for the seven-justice majority. Taney first asserted his own view of the Framers' so-called original intent: "The only rights and privileges African Americans were meant to have were those granted by their so-called 'owners' or by the government. Therefore, Dred Scott could not be a citizen." He wrote further:

*“[I]t is the opinion of the Court that the act of Congress which prohibited . . . [slaveholding] north of the line therein mentioned is . . . void; and that neither Dred Scott himself, nor any member of his family were made free by being carried into this territory.”*

—Chief Justice Roger B. Taney

The Court was saying that the suit of non-citizen Scott and the Missouri Compromise were unconstitutional. Therefore, Scott was not free.

### Why It Matters

The ruling added to the tensions that led to the Civil War. In 1868, three years after the end of the war, the Fourteenth Amendment to the United States Constitution overruled the *Dred Scott* decision.

### Analyzing the Court Decision

1. **Explaining** Why was Dred Scott not freed as a result of the Supreme Court's decision?
2. **Inferring** What is your opinion of Justice Taney's view of the Framers' "original intent"?

## Rights of Citizens

The Bill of Rights—the first 10 amendments to the U.S. Constitution—guarantees certain basic rights to all Americans. The Bill of Rights ensures constitutional guarantees of

- freedom of expression and belief;
- individual security; and
- equal and fair treatment before the law.



First North Carolina sit-in, 1960s

## Limits on Rights

- An individual's rights must be balanced with the rights of others and the community's health and safety.

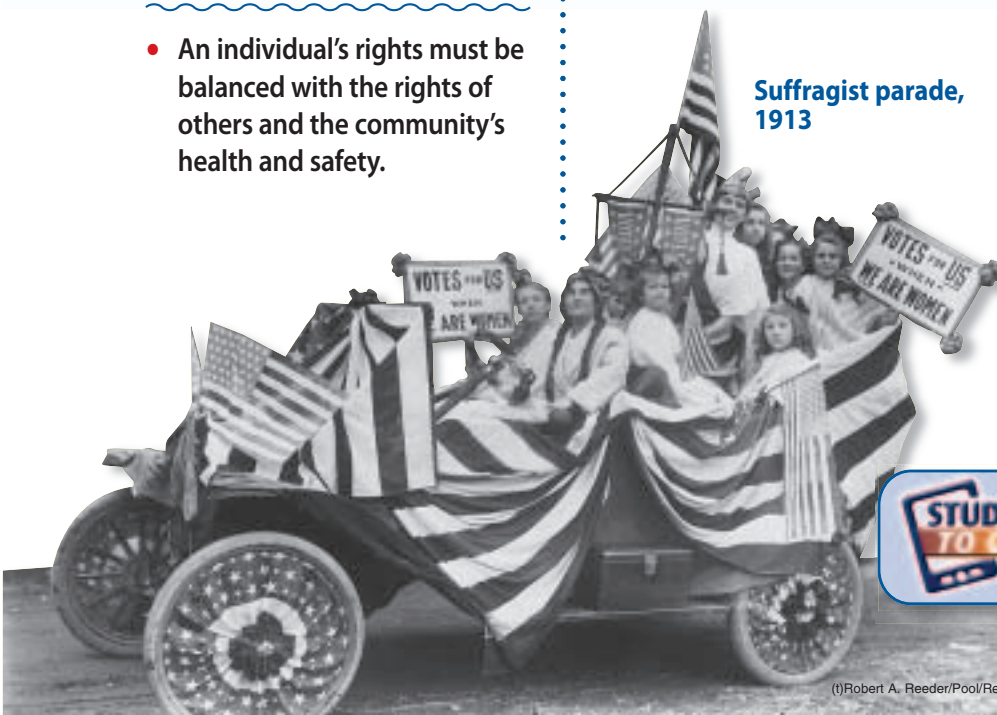
## Equality Under the Law

- Limits on rights must be reasonable and apply equally to all.
- This is especially critical in the courtroom, which is where the right to due process comes into play.
- Due process means that government may not act unfairly or arbitrarily but must follow a set of reasonable, fair, and standard procedures.

## Civil Rights

- Civil rights are the protections granted in the Constitution that recognize all citizens must be treated equally under the law.
- In the United States at one time, there were widespread segregation laws.

Suffragist parade, 1913



Civil Rights march on Washington, D.C., 1963

- In *Plessy v. Ferguson* (1896), the Supreme Court ruled that separate-but-equal facilities were constitutional.
- In *Brown v. Board of Education of Topeka* (1954), the Court ruled for complete desegregation.
- The civil rights movement made possible the passage of legislation guaranteeing basic civil right for all Americans.



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# North Carolina End-of-Course Test Civics and Economics Practice

## TEST-TAKING TIP

For effective recall at exam time, study in one-half-hour intervals for a week before the test.

### Reviewing Vocabulary

Directions: Choose the word(s) that best completes the sentence.

- The First Amendment guarantees the right to \_\_\_\_\_.  
**A** libel                                      **C** petition  
**B** slander                                      **D** due process
- The right of the government to take private property for public use is called \_\_\_\_\_.  
**A** suffrage                                      **C** eminent domain  
**B** civil right                                      **D** double jeopardy
- \_\_\_\_\_ in Southern states prevented many African Americans from voting.  
**A** poll taxes                                      **C** civil rights  
**B** age requirements                              **D** search warrants
- Sometimes law enforcement officials single out suspects unfairly through \_\_\_\_\_.  
**A** indictments                                      **C** censorship  
**B** racial profiling                                      **D** affirmative action

### Reviewing Main Ideas

Directions: Choose the best answer for each question.

#### Section 1 (pp.120–124)

- Which of the following does the Bill of Rights protect?  
**A** the right to provoke a riot for a good cause  
**B** the power of government to operate efficiently  
**C** the freedom to act without government interference  
**D** the choice to overthrow an unjust government by force

- What does the First Amendment prohibit?  
**A** assembly of groups such as communists  
**B** establishment of an official state religion  
**C** criticism of the government or its officials  
**D** dissemination of alarming or offensive ideas

#### Section 2 (pp. 126–131)

- How does the Fifth Amendment help accused persons?  
**A** by requiring a speedy trial  
**B** by requiring a search warrant  
**C** by guaranteeing a trial by jury  
**D** by protecting against self incrimination
- Which amendment states that all rights not spelled out in the Constitution are “retained by the people”?  
**A** Second Amendment  
**B** Third Amendment  
**C** Seventh Amendment  
**D** Ninth Amendment

#### Section 3 (pp. 133–137)

- Which amendment guaranteed African American men the right to vote?  
**A** Thirteenth Amendment  
**B** Fourteenth Amendment  
**C** Fifteenth Amendment  
**D** Nineteenth Amendment
- Whose right to vote did the Twenty-sixth Amendment guarantee?  
**A** poor people in the South  
**B** women across the country  
**C** residents of Washington, D.C.  
**D** citizens 18 years old and older

**Section 4 (pp. 139–143)**

11. Which sphere of American life was desegregated in the 1940s?
- A schools
  - B work places
  - C armed forces
  - D lunch counters
12. Which measure outlawed poll taxes?
- A Civil Rights Act of 1957
  - B Civil Rights Act of 1954
  - C Voting Rights Act of 1965
  - D Twenty-fourth Amendment

**Critical Thinking**

Directions: Base your answers to questions 13 and 14 on the table below and your knowledge of Chapter 4.

Rights and Freedoms in the Bill of Rights
Trial by jury
Due process
Private property
No unreasonable searches or seizures
No cruel punishment
No excessive bail or fines
Right to bear arms
Right to petition
Freedom of speech
Freedom of the press
Freedom of religion

13. Which amendment protects freedom of speech?
- A First Amendment
  - B Fifth Amendment
  - C Thirteenth Amendment
  - D Twenty-fourth Amendment

14. Which right or freedom best reflects the humane intent of Anglo-American law?
- A the right to bear arms
  - B the freedom of the press
  - C the right to private property
  - D the freedom from cruel punishment

**Document-Based Questions**

Directions: Analyze the following document and answer the short-answer questions that follow.

Amendment XXII

Section 1

*No person shall be elected to the office of the President more than twice, and no person who had held the office of President, or acted as President, for more than two years of a term to which some other person was elected president shall be elected to the office of President more than once.*

—the Constitution

15. A presidential term lasts four years. According to the Twenty-second Amendment, what is the longest time one person may serve as president?
16. Why do you think Congress and the state legislatures considered the Twenty-second Amendment necessary?

**Informational Writing**

17. Write a brief essay explaining how the Ninth and Tenth Amendments prevent the national government from becoming too strong.



**Civics ONLINE**

For additional test practice, use Self-Check Quizzes—  
Chapter 4 on [glencoe.com](http://glencoe.com).

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