

Guaranteeing Civil Liberties

GUIDING QUESTION *Which individual rights are protected by the First Amendment?*

Have you ever seen people protesting a law? Have you ever wondered why police officers in a movie have to tell a suspect of his or her rights? Have you ever thought about who can vote?

All these questions have to do with certain basic civil liberties we have. **Civil liberties** are the freedoms we have to think and to act without interference from the government or without fearing that we will be treated unfairly. They are the cornerstone of our way of life. They are called **civil** liberties because they are connected with being a citizen.

Many of these civil liberties are protected under the Bill of Rights, the first 10 amendments to the Constitution. Lesson 2 will talk about the rights covered in the Second through the Tenth Amendments. In this lesson, you will learn the importance of the First Amendment. It allows us to follow our own beliefs and express ourselves freely.

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

Freedom of Religion

The First Amendment protects freedom of religion in two ways. First, it says that Congress cannot establish, or support, any religion as the official faith of the United States. Because it stops the government from establishing a state religion, this rule is called the establishment clause. In 1802 President Thomas Jefferson called this clause a “wall of separation between church and state.” Because of this clause, the United States does not have an official religion as Iran and Egypt do.

The second way the First Amendment protects freedom of religion is in how people express their faith. Under the First Amendment, Americans have the right to practice their faith in the way that they want. The government cannot make laws that would stop them from worshipping as they choose. People in some nations do not have these rights. For instance, the People’s Republic of China puts limits on some religions.

Freedom of religion has long been part of United States history. Many of the people who first settled here left their homes because they did not have religious freedom. In 1649 Maryland made a law that allowed people in the colony to follow any Christian faith. In 1682 William Penn made freedom of religion a basic right for everyone in Pennsylvania.

Freedom of Speech

In some countries, people can be jailed for criticizing the government. They worry even when speaking in private that their words can be used against them. In the United States, the First Amendment guarantees our right of **free speech**. We can state our opinions, in public or in private, without fear of being punished by the government.

Free speech covers what we say in meetings, conversations, speeches, and lectures. It includes words spoken in radio and television broadcasts as well. The Supreme Court has judged many cases that are connected to this freedom. Its decisions have shown that “speech” can mean more than just using words. Internet messages, art, music, and even clothing are protected.





PHOTO: Gary McCoy/Political Cartoons.com

Freedom of the Press

In 1733, publisher John Peter Zenger criticized the governor of New York in his newspaper. As a result, Zenger was arrested. Lawyer Andrew Hamilton agreed to defend Zenger at his trial. He argued that only a press that was free to criticize the government can keep that government from misusing its power. Hamilton's argument worked. Zenger was found not guilty. The case is seen as a big step in the rise of a free press in America.

Because we have freedom of the press, the government cannot censor news reports. **Censorship** means banning printed materials or films because they have alarming or offensive ideas. The government is also blocked from another kind of censorship. It cannot prevent information from being published or broadcast. Reporters in many other countries are not protected in these ways. Their stories are reviewed by government officials, who take out parts they do not approve of. Reporters also run the risk of being arrested if they publish stories their leaders do not like.

When the Bill of Rights was written, "the press" referred to printed materials such as books, newspapers, and magazines. Today the press includes many other media sources, such as

censorship the banning of printed materials or films due to alarming or offensive ideas they contain

petition a formal request for government action



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.

Limits on Civil Liberty

GUIDING QUESTION *Why are limits placed on individual rights?*

The First Amendment gives very broad rights to all Americans. By the same token, it was never intended to allow citizens to do whatever they please. The rights of one individual must be balanced against the rights of others. Individual rights must also be balanced against the rights of the community. When there is a conflict, the rights of the community often come first. If that were not the case, society would break apart.

Citizens are expected to use their civil liberties responsibly. This means that in exercising their individual rights, they should not interfere with the rights of others. For example, you are free to campaign for causes, but you may not disturb your neighbors with blaring loudspeaker broadcasts.

Similar limits apply to larger groups as well. As you read earlier, the government has the power to set some limits on the right of assembly. If an organization wants to stage a parade, the government can determine when and where the parade can be held.

Some **restrictions**, or limits, can even be placed on free speech rights. Those limits have to be reasonable, though. You have the right to criticize public officials, but you do not have the right to spread lies that will harm a person's reputation. Spreading such lies in speech is a crime called **slander**. It is the crime of **libel** if the lies are printed.

Free speech is limited in other ways as well. No person, for example, has the right to speak or write in a way that directly leads to criminal acts. Also, people do not have the right to make a speech that will lead to efforts to overthrow the government by force. These kinds of speech are illegal.

PROGRESS CHECK

Explaining Do Americans enjoy unlimited civil liberties? Explain.

Academic Vocabulary

restriction a limit placed on something

slander spoken untruths that are harmful to someone's reputation

libel written untruths that are harmful to someone's reputation

LESSON 1 REVIEW

Review Vocabulary

1. Why are *civil liberties* important to democracy?
SS.7.C.2.4
2. What is the difference between *slander* and *libel*?
LA.7.1.6.1

Answer the Guiding Questions

3. **Identifying** Name the individual rights protected by the First Amendment. SS.7.C.2.4

4. **Evaluating** Why is it necessary to limit individual rights? SS.7.C.2.5

5. **EXPOSITORY WRITING** Write a paragraph to explain why you think the First Amendment is necessary for a democracy. LA.7.1.7.3

IT MATTERS BECAUSE

Other parts of the Bill of Rights provide important protections.

Rights of the Accused

GUIDING QUESTION *How does the Bill of Rights protect the rights of the accused?*

The First Amendment protects five basic freedoms for all Americans. Equally precious, however, is the right to fair treatment in the legal system. This is the subject of other parts of the Bill of Rights. The Fourth, Fifth, Sixth, and Eighth Amendments protect the rights of the **accused**, people officially charged with crimes.

The Fourth Amendment

The Fourth Amendment protects us against “unreasonable searches and seizures.” No officer of the government can search a person’s property or take his or her possessions at will. The officer must have **probable cause**, or strong reasons to think that the person or property was involved in a crime.

When law enforcement officers want to do a search for evidence, they must first get approval. They must ask a judge to issue a **search warrant**. This court order allows officers to search a suspect’s home, business, or other property and take certain items as evidence. Only items listed in the warrant can be taken. Judges do not give out search warrants easily. They must be convinced that a search is likely to yield evidence.

PHOTO: Bill Pugliano/Getty Images

Protection	Amendment
1.	
2.	

Content Vocabulary

- **accused**
- **indictment**
- **due process**
- **probable cause**
- **double jeopardy**
- **eminent domain**
- **search warrant**
- **self-incrimination**
- **bail**

The Fifth Amendment

The Fifth Amendment protects several rights of an accused person. First, it states that no one can be tried for a serious crime without an indictment. An **indictment** (ihn•DITE•muhnt) is a document issued by a body called a grand jury that formally charges someone with a crime. Members of the grand jury first review all the evidence against an accused person before deciding to indict him or her. Someone who is indicted is not necessarily guilty. This document simply states the grand jury's belief that he or she may have carried out a crime. A trial will decide whether he or she did.

The Fifth Amendment prevents putting people on trial more than once for the same crime. Putting someone on trial for a crime of which he or she was previously found innocent is called **double jeopardy**. The Fifth Amendment blocks the government from that action.

The Fifth Amendment also protects an accused person's right to remain silent. Throughout history, governments have sometimes forced people to confess to crimes they did not really commit. To prevent this, the Fifth Amendment states that people cannot be made to testify against themselves. This protects them against **self-incrimination**.



Law enforcement officers must have probable cause in order to conduct a search. Here a police officer and his bomb-sniffing dog conduct a search at the Detroit Metropolitan Airport.

► CRITICAL THINKING

Assessing In the Fourth Amendment, how did the Framers balance keeping people safe with keeping people free? SS.7.C.2.5

accused a person officially charged with a crime

probable cause a strong reason to think that a person or property was involved in a crime

search warrant a court order allowing police to search property and seize evidence

indictment a document issued by a grand jury to charge someone with a crime

double jeopardy putting someone on trial for a crime of which he or she was previously found innocent

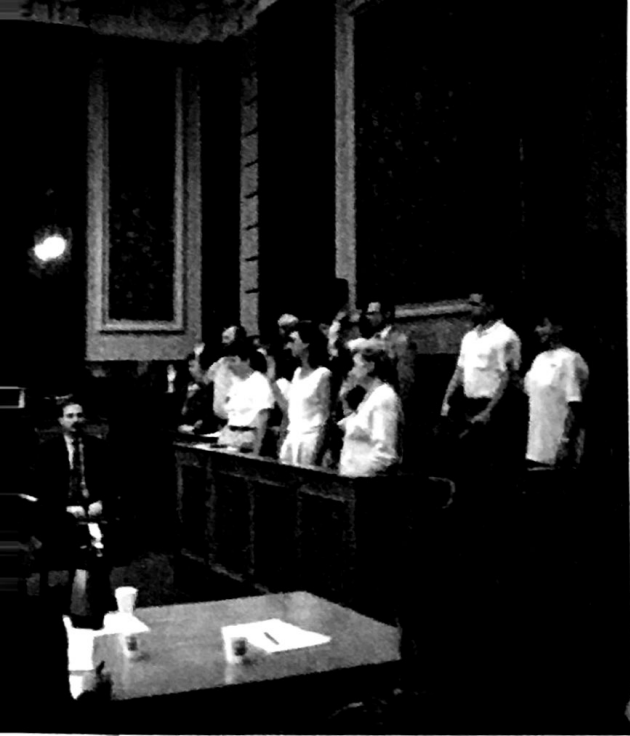


PHOTO: David R. Frazier Photolibrary, Inc.

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

Finally, the Fifth Amendment protects property rights. It limits the government’s power of eminent domain. **Eminent domain** (EH•mih•nehnt doh•MAYN) is the government’s right to take private property—usually land—for public use. For example, if your home lies in

the path of a proposed highway, it may be legally taken and destroyed. The Fifth Amendment limits this power. It requires the government to pay a fair price for the property.

The Sixth Amendment

The Sixth Amendment guarantees other rights to the accused. First, it requires that persons be clearly told what the charges against them are.

The Sixth Amendment also covers trials. It requires that the accused be allowed a trial by jury, although he or she may choose to be tried by only a judge. If the person asks for a jury trial, that trial must be speedy and held in public. In addition, the jurors must be fair. If possible, the trial should be held in the community where the crime took place.

An accused person has the right to hear and question all witnesses against him or her. He or she must be allowed to call witnesses in defense. Finally, he or she has the right to a lawyer. The Supreme Court has said that when an accused cannot afford a lawyer, the government must pay for one.

The Eighth Amendment

Sometimes months can pass before a trial can be held. During that time, the accused may have the choice to remain free by paying bail. **Bail** is a sum of money used as a security deposit. In exchange for being let out of jail, the person pays the sum and promises to appear at the trial. When the accused comes to court for the trial, the bail is returned. If the person fails to appear, he or she loses the money.

Additional Protections

GUIDING QUESTION *Which other protections does the Bill of Rights offer?*

When the Founders wrote the Bill of Rights, they remembered the events that had led to the American Revolution. They knew that certain actions taken by the British government were abuses of power. The Founders wanted to prevent the American government from taking such actions.

The Second Amendment

The Second Amendment says this: "A well regulated Militia being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed." To infringe a right is to put limits on it.

When the Second Amendment was written, a state's militia was made up of a small army of people who served as soldiers when needed.





PHOTO: (tl) AP Photo/Jay LaPrete; (tr) AP Photo/Mark Stehle

divided over the meaning of the Second Amendment. Gun owners argue for responsible use of guns (see the right). Opponents link guns to violence (see the left).

CRITICAL THINKING

Conclusions Why do you think gun ownership is regulated by the Constitution? LA.7.1.7.3

FOCUS IN PROTECTIONS

Evaluate rights contained in the Bill of Rights and other amendments to the Constitution.

Evaluate Constitutional rights and how they affect individuals and society.

Compare the constitutions of the United States and Florida.

The student will listen to, read, and discuss familiar and conceptually challenging text.

The student will use context clues to determine meanings of unfamiliar words.

People have long debated what rights, exactly, this amendment protects. Then in 2008 the Supreme Court commented on the Second Amendment. The Court stated that the Second Amendment means that individuals have a constitutional right to keep firearms in their homes for personal safety.

Courts have generally ruled that the government can pass laws to control gun ownership. For example, federal and state governments can spell out who can have a **license** to own firearms.

The Third Amendment

In the years before the American Revolution, the British required colonists to shelter British soldiers in their own homes and feed them. The Third Amendment bans that practice in peacetime. It says that, when there is no war, soldiers may not stay in people's homes without permission of the home owner.

The Seventh Amendment

The Seventh Amendment concerns civil cases. Civil cases are lawsuits that arise when people's rights are in conflict.

The amendment guarantees the right to a jury trial in most of these disputes heard in the federal courts. This guarantee specifically applies to disputes about property worth more than \$20. Today, however, nearly all such disputes involve sums larger than \$20. As a result, this requirement of the amendment is almost always met.

The Seventh Amendment also sets separate roles for judges and juries in these cases. The judge has the duty to solve issues of law. For example, a judge determines whether or not certain evidence is allowed. The jury is to listen to evidence and consider the facts presented. From this information, the jury must then draw reasonable conclusions to reach a verdict, or decision. If both parties in a conflict agree, the trial can be held without a jury. When this happens, a judge hears the evidence and decides the case.

The Ninth Amendment

The Ninth Amendment states that all other rights not spelled out in the Constitution are **retained**, or kept, 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 they may not be taken away.

The Tenth Amendment

The last amendment in the Bill of Rights did not add anything to the ratified Constitution. Instead, the Tenth Amendment recognizes that the power of the federal government is limited.

The Tenth Amendment states that any powers the Constitution does not specifically give to the federal government belong to the states or the people. The amendment expresses the idea that the federal government is limited in power. In this way, the amendment is intended to prevent Congress and the president from becoming too strong. The government of the United States can have only the powers the people give it.

PROGRESS CHECK

Comparing In what ways do the Ninth and Tenth Amendments protect citizens?



CO

Florida's

Like ma
current
begins v
Rights r
Rights.
with the
trial by
freedom
the pres
broader
consisti
compar
in the B