Objectives

1. Explain how Americans’ commitment to freedom led to the creation of the Bill of Rights.
2. Understand that the rights guaranteed by limited government are not absolute.
3. Show how federalism affects individual rights.
4. Describe how the 9th Amendment helps protect individual rights.
• **Bill of Rights**: the first ten amendments added to the Constitution, ratified in 1791
• **civil liberties**: freedoms protected against any unjust actions taken by the government
• **civil rights**: freedoms protected by positive actions taken by the government
• **aliens**: people who are not citizens of the country in which they live
• **Due Process Clause**: clause in the 14th Amendment that says no state can take away a person’s life, liberty, or property without due process of law

• **process of incorporation**: the manner in which the Supreme Court has interpreted the guarantees in the Bill of Rights as being part of the Due Process Clause
• How does the Constitution protect the rights of individuals against government?

  – The Constitution guarantees civil rights and civil liberties to the American people.

  – Many of these rights and liberties are protected by the laws established in the Bill of Rights and the 14th Amendment.
Key Documents

- The **Declaration of Independence** states that all men have unalienable rights and that governments exist to protect these rights.

- The **Preamble to the Constitution** states that purpose of the American government is to “secure the blessings of Liberty” to the people.

- **Articles I and III** of the Constitution guarantee many key rights.
The Bill of Rights

- There was no general listing of the rights of the people in the Constitution until the Bill of Rights was ratified in 1791. Now the Bill of Rights is an essential part of the Constitution.
  - James Madison (right) authored the Bill of Rights.
• Civil liberties can be thought of as freedoms *protected from* possible government abuse.

  – Civil liberties include freedom of religion, speech, and the press as well as the right to a fair trial.

• Civil rights can be thought of as freedoms *defended by* the government.

  – Civil rights include laws banning discrimination.
Checkpoint Answer: The Bill of Rights specifies a wide range of rights and freedoms that the U.S. government must protect and cannot violate by its actions or through passing any new laws.
Relative Rights

- U.S. citizens may exercise their own rights as long as they do not infringe upon the rights of others.
  - For example, the right to free speech does not protect obscene language.
- Rights can come into conflict with each other. When this happens, the courts must then decide the issue. Blaring music late at night is not a right because it infringes on the rights of others.
Whose Rights?

- Most constitutional rights extend to all people in the United States, including aliens, or non-citizens.

- However, certain rights of aliens, such as freedom of travel, can be restricted.
  - During wartime these restrictions may increase.
  - For example, in World War II people of Japanese descent were forced to relocate to internment camps.

NOTE TO TEACHERS: The Japanese internment during WW II was ruled constitutional by the Supreme Court, but the U.S. government eventually apologized and paid damages to each living person who had been relocated to the internment camps.
Federalism

- The Bill of Rights applies to the actions of the federal government, not the state governments.

- However, each state constitution contains its own bill of rights to protect the freedoms of its citizens.

- In addition, the 14th Amendment extends the basic rights protected by the Bill of Rights to the citizens of all states.
The 14th Amendment includes a Due Process Clause. The Supreme Court has ruled that this clause means no state can deny any person their basic rights and liberties.

Over time, through the process of incorporation, these basic rights and liberties have been defined as including most of the protections in the Bill of Rights.
Checkpoint Answer: The Gitlow v. New York ruling began the process of incorporation by which many of the freedoms guaranteed in the Bill of Rights were also deemed to be protected in the states under the 14th Amendment.
The 9th Amendment

- The 9th Amendment declares that the people have rights beyond those specifically listed in the Constitution.

- Over time the Supreme Court has determined that some of these unlisted rights include:
  - The right of a person not to be tried on the basis of unlawfully gained evidence
  - The right of a woman to choose to have an abortion
• Now that you have learned how the Constitution protects the rights of individuals against government, go back and answer the Chapter Essential Question.
  – How can the judiciary balance individual rights with the common good?