

Main Idea

The United States was formed out of a belief that individuals had certain important liberties and rights. The Constitution's Bill of Rights protects these liberties and rights.

Reading Focus

1. What is the Bill of Rights, and what does it protect?
2. What are the limitations on civil liberties and rights?
3. How does the Fourteenth Amendment help protect civil liberties?

Key Terms

civil liberties

civil rights

due process

incorporation doctrine

The Bill of Rights (pp. 281–282)

When American colonists broke from Great Britain in the Revolutionary War, it was to protect their rights. The Declaration of Independence explains their actions.

Eventually, Americans' attempts to protect their rights led to the creation of the Bill of Rights.

After Independence Most early state constitutions protected Americans' liberties. When the Framers wrote the new Constitution, they argued about whether a bill of rights was needed in the document. The final draft of the Constitution included few specific protections of individual rights.

The Ratification Battle The lack of a bill of rights threatened to cause ratification of the new Constitution to fail. British rule made many Americans distrust any government's commitment to protecting rights and liberties.

The Ten Amendments In order to win ratification, supporters agreed to add a bill of rights when the national government met in 1789. James Madison drafted several amendments, some of which were rejected. Some members of Congress believed that if

certain rights were left out of the document, then it might mean that government was not supposed to protect them. They added an amendment stating that listing specific rights did not mean that other rights were denied to the people.

The states finally ratified 10 amendments, which became part of the Constitution as the Bill of Rights in 1791. The amendments protect civil rights and civil liberties. **Civil liberties** are basic freedoms to think and to act that all people have and that are protected against government abuse. **Civil rights** are rights of fair and equal status and treatment and the right to participate in government. Civil liberties and rights were not originally guaranteed to all Americans. Women and slaves, for example, had their rights restricted. Over time, civil liberties and rights have been granted to all Americans.

Reading Check Sequencing Why did Congress create the Bill of Rights?

Limits on Civil Liberties and Rights (pp. 282–283)

The Bill of Rights sets limits on the government, but people cannot do whatever

they choose. There are limits on individual liberties and rights.

When Rights Conflict The government sometimes limits personal freedoms for the sake of the common good. The Supreme Court has examined the limits of constitutionally protected freedoms over the years.

The Role of the Courts The courts help to balance protection of civil liberties against protection of the common good through the cases brought before them. Earlier in the nation’s history, few cases were brought to the courts partly because the people who needed their rights protected did not have access to the courts. Most civil liberties and rights Supreme Court cases occurred after the early 1900s.

Reading Check Summarizing Why are individual rights and liberties sometimes limited?

Civil Liberties and the Fourteenth Amendment (pp. 283–284)

The Bill of Rights was meant to limit the actions of the federal government. Most states have their own bills of rights. The U.S. Supreme Court has ruled, however, that most protections in the Bill of Rights also apply to state and local governments.

The Due Process Clause The Court’s rulings are based on the due process clause of the Fourteenth Amendment. The clause says that states may not pass any laws that “deprive any person of life, liberty, or property without due process of law.” **Due process** means following established and complete legal procedures. The Supreme Court has merged many of the Bill of Rights protections into the Fourteenth Amendment. Its reason for incorporating these rights—the **incorporation doctrine**—holds that certain protections are essential to due process of law. Thus, states cannot deny these protections to the people.

Key Cases Incorporation has taken place through a number of Supreme Court cases over many years. For example, *Chicago, Burlington & Quincy Railroad Company v. Chicago* (1897) incorporated the Fifth Amendment’s “just compensation” clause, which required states to give owners fair payment when taking private property. *Near v. Minnesota* (1931) incorporated the freedom of the press. Not all Bill of Rights protections have been incorporated, however.

Reading Check Summarizing How has the incorporation of the Bill of Rights into the Fourteenth Amendment affected the protection of civil liberties?

SECTION 1 ASSESSMENT

1. **Recall** What is the difference between **civil rights** and **civil liberties**?
2. **Describe** How do the courts help to protect civil liberties and rights?
3. **Define** Define the following terms: **due process**, **incorporation doctrine**?