INTRODUCTION

By law, rights guarantee equality and freedom for all citizens of the United States. Rights are certain privileges and freedoms that citizens receive as a special benefit or advantage. Americans, by virtue of their citizenship, have the privilege of these rights and freedoms.

It was once a popular belief that the kings of England had divine right and that only God (not ordinary citizens) could judge them.

Modern democratic governments developed as a reaction to this divine right theory. In a democratic society, no one has divine right; the government grants all citizens equal freedoms.

In the newly formed United States, the Founding Fathers were very concerned about the rights of individual citizens and their responsibilities to the country. However, in today’s lifestyle, many Americans often take their freedoms and privileges of citizenship for granted or they ignore their responsibilities towards other individuals, society, and the government. Yet, the strength of our American citizenship is the freedom, which lets us enjoy these privileges and bear the responsibilities of living in the United States.

THE BILL OF RIGHTS

In order to secure liberty and to establish basic freedoms and equal justice, the Federalists pledged to add a set of individual rights to the Constitution as soon as the States ratified it and it became the “law of the land.” Following the Constitution’s ratification, the newly formed Congress sorted through more than 100 proposed amendments, sending only 12 of them to the States for approval. The States ratified ten of them — which became known as the Bill of Rights.

The United States is a representative democracy: a government of the people, by the people, and for the people ... a government by the elected representatives of the voters.

Many people feel that their constitutional rights are absolute (without limitations). Other people weigh these rights against the need to preserve order in America. Our nation has seen a constant disagreement
of majority rule and of minority rights. However, our Constitution provides a balance that allows majority rule while protecting the rights of all.

The Bill of Rights (1791)  
Articles of the Original  
10 Amendments of the Constitution

1. Grants freedom of religion, freedom of speech, freedom of the press, right to peaceably assemble, and right to petition the government for a redress of grievances (freedom to lobby).

2. Grants right to keep and bear arms.

3. Forbids the quartering of soldiers in private homes during time of peace.

4. Protects against unreasonable searches and seizures.

5. Provides a number of protections for persons accused of crimes, indictment by grand jury, double jeopardy, or self-incrimination.

6. Provides the right of the accused to have a speedy and public trial, trial by jury, and right to counsel.

7. Clarifies the right to trial by jury provided in the Sixth Amendment.

8. Protects against excessive bail, excessive fines, and cruel and unusual punishments.

9. Retains rights in addition to Constitutional rights.

10. Provides that rights not granted to the national government by the Constitution are reserved to the states or to the people.

THE FIRST AMENDMENT

**Freedoms** of religion, speech, and the press and the rights to assemble peaceably and to petition the government are means to ensure the proper functioning of a democracy.

**FREEDOM OF RELIGION**

The first right guaranteed in the Bill of Rights is the freedom of religion. Religious freedom was important to the people because of the religious intolerance that many had experienced in Europe and which had caused them to migrate to America. Many had experienced the same intolerance in America.

The First Amendment contains two laws that protect the religious freedom of the citizens: the **establishment clause** and the **free exercise clause**. Both of these clauses apply to state and local governments.

**Establishment Clause**

This clause states that the government is to be kept separate from religion. This amendment prohibits the government from setting up an official or established church and prevents it from passing laws that would aid one or all religions or that would show preference for one religion over another.

**Free Exercise Clause**

This clause states that citizens are free to join any religious body (or none at all) and that each religious body is free to practice its own beliefs and form of worship, without government interference.
Chapter 2: Your Job as an American Citizen

Lesson 2: Rights, Responsibilities, and Privileges of American Citizens

FREEDOM OF SPEECH

Freedom of speech is the right to say (express orally your thoughts, ideas, or opinions) the truth about anything.

However, there are important limitations to the freedom of speech. If false or harmful statements unjustly damage someone’s reputation, the person about whom the statements were made may sue the speaker in a court of law. Additionally, you do not have the right to use your freedom of speech to cause someone physical harm. For example, you do not have the right to yell “fire” in a building just to see what happens.

Within these limitations, citizens can discuss any question or express their ideas or opinions about anyone or anything freely, even to criticize the government or the president.

FREEDOM OF THE PRESS

Freedom of the press is the right to write, print, or publish truthful thoughts, ideas, or opinions about anything. The press includes magazines, newspapers, books, television, radio, movies, and other forms of communication. You cannot use this freedom to make false statements, but you can use it to report any true incidents or violations including those within government agencies.

FREEDOM OF ASSEMBLY

Freedom of assembly gives you the right to hold meetings and gatherings. This freedom allows Americans to come together, peaceably, for business and pleasure including speeches, demonstrations, and protests. However, the government (primarily local or state), can require individuals or groups to obtain permits before they speak or demonstrate on public property and can deny permission to assemble if it considers the assembly unreasonable or unconstitutional.

FREEDOM OF PETITION

Freedom of petition is the right to ask the government to take action — or not to take action — on something without fear of penalty. For example, you have the right to write to your state representatives in Congress and to ask them to work on, pass, or modify certain laws.

RIGHTS, RESPONSIBILITIES, AND PRIVILEGES

Each American citizen has rights and responsibilities, which go hand in hand with our democracy. Because of our democratic form of government, we enjoy freedoms and rights that do not exist in other countries.
Chapter 2: Your Job as an American Citizen

Lesson 2: Rights, Responsibilities, and Privileges of American Citizens

THE SECOND AMENDMENT — THE RIGHT TO BEAR ARMS

This amendment prevents the government from prohibiting the ownership of weapons by citizens, and it protects their right and duty to serve in the armed forces. However, this amendment is controversial in that it does not clearly state the conditions under which citizens may own and use their weapons.

Today, because of the increasing crime rate in America, select groups of people are fighting for gun control laws such as registration, waiting periods, and banning the sale of certain weapons. These groups feel that gun control laws would lower the crime rate. On the other hand, there are other people who feel that the Second Amendment gives them the right to own or purchase a gun without restriction, and that the government cannot pass laws to take away that right.

THE THIRD AMENDMENT — QUARTERING OF SOLDIERS

Congress added this amendment to the Bill of Rights to ensure that the government could never force its citizens to house (or quarter) soldiers in their homes during peacetime without the owner’s consent. However, it specifies that during war, Congress can pass laws that would permit soldiers to be quartered in private houses.

THE FOURTH AMENDMENT — SEARCH AND SEIZURE

This amendment limits the government’s power to search and to take custody of a citizen’s property. Courts require a search warrant and probable cause to conduct a legal search. Warrant means “justification” and refers to a document issued by a magistrate (judge) indicating the name, address, possible offense committed, and property to be seized.

The Fourth Amendment, and the strictness of the courts in upholding it, keep U.S. citizens free.

RIGHTS OF THE ACCUSED

The Fifth, Sixth, Seventh, and Eighth Amendments to the Constitution protect the rights of persons accused of a crime.

THE FIFTH AMENDMENT — CRIMINAL PROCEEDINGS AND DUE PROCESS

The Fifth Amendment is one of the most familiar amendments because of its use on television. It is most famous for its provision that “no person shall be compelled in any criminal case to be a witness against himself.” In other words, no person shall be subjected to self-incrimination, or be forced to confess to a crime that he has committed. The Fifth Amendment also protects citizens from certain questioning by the police.

The landmark Supreme Court case of Miranda v. Arizona (1966) addressed the rights of persons accused of crimes. An 18-year-old woman from Arizona was attacked and kidnapped. Phoenix police arrested Ernesto Miranda, but they did not inform him of his rights to have an attorney. The police placed Miranda in a lineup and the woman identified him as her attacker. Miranda wrote a confession to the crimes when the police told him that he had been identified.
New attorneys for Miranda appealed the case to the Supreme Court. Miranda’s lawyers argued that their client’s confession was unconstitutional since he did not know he had the right to an attorney. The Supreme Court granted Miranda another trial where a jury convicted him of the crimes. As a result of the Miranda trials, law enforcement authorities must advise each person of his or her legal rights before they can make an arrest.

This amendment also provides the following:

- It gives all citizens accused of major crimes the right to have their cases considered by a grand jury before the prosecution can take it to trial. A grand jury is a jury made up of as many as 23 persons who listen to the testimony of witnesses and decide whether enough evidence exists to **indict** or formally accuse a person of a crime. Indictment by a grand jury means that the jurors think there is sufficient reason to hold a trial.

- It states that if a court tried and acquitted a citizen in a criminal case, another court may not try that citizen again for the same offense. This is the citizen’s protection against double jeopardy. However, the protection against double jeopardy does not apply when a court has already convicted the person.

- The last two sections of this amendment provide protection against the violation of “due process” and the arbitrary confiscation of property. The “due process” clause means that the courts must extend all protections in the Bill of Rights and in the Constitution to a person accused in a criminal action. Next, it gives all Americans the right to own private property. The government cannot take private property for public use without paying a fair price for it. The government’s power to take private property for public use is **eminent domain**.

**THE SIXTH AMENDMENT — THE RIGHT TO A JURY TRIAL**

Trial by jury is one of the cornerstones of the American legal system. Accused persons may usually waive this protection if they so choose. If, on the other hand, they demand a trial by jury, 12 jurors must reach a unanimous verdict in order to convict. This amendment also guarantees citizens the right to a prompt and public trial. Arresting officers

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**The Miranda Warnings**

“You have the right to remain silent and refuse to answer questions.”

“Anything you do or say may be used against you in a court of law.”

“You have the right to consult an attorney before speaking to the police and to have an attorney present during any questioning now or in the future.”

“If you cannot afford an attorney, one will be provided for you without cost.”

“If you do not have an attorney available, you have the right to remain silent until you have had an opportunity to consult with one.”
must inform people of the crime with which they are charged. During the trial, they have the right to hear and question all witnesses against them and to call witnesses to appear in court. Also, accused persons have the right to a lawyer.

**THE SEVENTH AMENDMENT — THE RIGHT TO A CIVIL TRIAL**

The Seventh Amendment provides for a trial by jury in certain cases where there is a dispute over money or property. Either side in a dispute can insist on having a jury trial in cases involving more than $20 and judges may not interfere with a jury’s decision. However, both sides can agree not to have a jury.

**THE EIGHTH AMENDMENT — PUNISHMENT FOR CRIMES**

**Bail** is the money (or property) given to a court by an accused person in order to guarantee that the accused will appear for the trial. This amendment states that bails cannot be set at unreasonable amounts. After the person pays bail, the accused person may leave jail. Courts return the bail at the end of the trial. This amendment also states that courts must not give fines and punishments that are excessive, cruel, or unusual.

**GUARANTEEING OUR RIGHTS**

The Ninth and Tenth Amendments finalize our guaranteed rights.

**THE NINTH AMENDMENT — OTHER RIGHTS**

This amendment states that the rights described in the Constitution and the first eight amendments are not the only rights of the people. Simply because the Constitution and these amendments do not mention any “other rights,” the government cannot take them away from the people. These “other rights” include:

- Freedom to live or travel anywhere in the United States.
- Freedom to work.
- Freedom to marry and raise a family.
- Freedom to receive a free education in public schools.
- Freedom to join a political party, union, or other legal group.

**THE TENTH AMENDMENT — POWERS RESERVED TO THE STATES**

This amendment reserves all powers that are not expressly given to the federal government or forbidden to the states by the Constitution for the states or the people. This provision gives the states the power to act independently on many issues. In other words, the states may pass many laws for the welfare of their citizens under the authority usually known as a state’s “police powers.” This means that the people can delegate power to a state to protect their safety, comfort, and convenience.
THE CIVIL RIGHTS MOVEMENT

It’s hard to imagine that the simple act of sitting at the front of a bus could start a movement for equality that lasted more than a decade. However, for a black woman in Montgomery, Alabama, in the year 1955, the act was one that required courage. Rosa Parks’ decision not to give up her seat to a white man, as blacks were expected to do, started a boycott of the city’s buses that eventually led to a nationwide movement for black civil rights.

The nation’s most prominent civil rights leader, Dr. Martin Luther King, Jr. began his battle for equality during that first boycott. After the boycott succeeded in integrating the city bus system, Dr. King led a number of non-violent demonstrations against racial segregation of public facilities elsewhere in the South. During one of those marches in Birmingham, Alabama, in 1963, the police, armed with electric cattle prods and high pressure fire hoses and accompanied by vicious police dogs, broke up the demonstration. The police arrested Dr. King, and while in prison, he wrote a letter in which he defended his cause and means of protest. One positive outcome of that demonstration was that the civil rights movement gained the sympathy of many Americans as they watched the televised brutality of the Birmingham police.

Then, in September of 1963, black leaders organized a march on Washington, D.C., composed of nearly a quarter of a million people, including black and white supporters. During that demonstration, Dr. King gave his famous “I Have a Dream” speech standing in front of the Lincoln Memorial.

Even Martin Luther King’s inspiring words could not speed the movement towards equality. The struggle was long and difficult. President Kennedy proposed a civil rights bill, but Lee Harvey Oswald assassinated him in 1963 before he could convince Congress to pass that legislation. However, Lyndon B. Johnson, President Kennedy’s successor, succeeded in passing the Civil Rights Act of 1964.

THE CIVIL RIGHTS ACT OF 1964

This act was a significant turning point in the treatment of racial minorities in the United States. It outlawed racial discrimination in all places of public accommodation, such as hotels, restaurants, snack bars, swimming pools, theaters, and public transportation. It also provided for the denial of government funds to any national or state government project or facility that practiced racial discrimination.

Also important was a provision that not only banned racial discrimination in employment (such as in hiring practices), but also forbade employers to discriminate on the basis of sex. In implementing the employment provisions of the Civil Rights Act of 1964, the
federal government called for affirmative action programs by employers to ensure a racially integrated labor force.

Affirmative action programs set timetables and goals for a company’s labor force to progressively come to reflect the racial characteristics of the labor force in the local community. These programs also encouraged the hiring of minorities through community contacts such as churches and schools. Such equal opportunity programs still exist today.

Additionally, the Civil Rights Act of 1964 set a strong precedent for action by Congress in the area of minority rights. The next year, Congress passed the Voting Rights Act of 1965, providing for the federal government to register voters in those counties where the states had denied significant numbers of citizens the right to vote. Three years later, Congress passed the Equal Housing Act of 1968, which forbade racial discrimination in the sale and rental of houses and apartments.

Still controversial is the use of school busing to achieve racial balance. Although some schools are purposefully segregated, others are segregated only because of housing patterns. Whether or not segregation is intentional, the problem is that more money goes to affluent suburban schools — which are mostly white, than to inner city schools — which are mostly black. Busing forces white people to take an interest in upgrading the inferior schools and encourages both black and white children to break the bonds of racism. However, many people bitterly oppose busing.

In recent years, cities have found other solutions for segregation in public schools. One city in California offered free college tuition to students who volunteered to ride buses across town to desegregate its schools.

Busing and affirmative action programs are just two ways in which America has tried to achieve racial equality, but they are not enough. Blacks and whites must work together to fight prejudice, so that their children can benefit from a strong, united society.

RACIAL INEQUALITY

Even with the passage of the Civil Rights Act of 1964, poverty continued to be a problem for blacks. Life in the inner city was, and still can be a horrible existence. Riots in the inner-city sections of America’s major urban centers were common during the mid to late 1960s. Burning, looting, and violence resulted in the injury or death of hundreds of people.

President Johnson appointed the National Advisory Commission on Civil Disorders to investigate the spreading violence and to find a solution to prevent future riots. The Kerner Commission (named after its chairman, Otto Kerner) stated that “white society should be blamed for the ghetto.” The Commission’s report stated that “white institutions created it, white institutions maintain it, and white society condones it.” It was the “great frustration and sense of powerlessness,” the Commission said, “that caused the rioting.”

President Johnson debated these findings and refused to meet with the committee, because he felt that the report condoned violence and did not give his administration credit for trying to improve the situation. Before President Johnson and the committee could settle the debate, James Earl Ray assassinated Dr. King in Memphis, Tennessee, in 1968. Instantaneously, riots occurred in over 100 cities.
CIVIL RIGHTS & OTHER MINORITIES

NATIVE INDIANS

Native Indians have also had a difficult struggle for equality, and — like black Americans — they are still trying to achieve balance. The plight of the Native Indians goes back many centuries. Early European settlers in America established a policy of conquest, even extermination, over them. Later, the U.S. government dealt with Indian tribes in the same way it dealt with other foreign governments. As a result, the Native Indians lost more and more of their self-government and land as the federal government relocated them to reservations, land that it had set aside for them to live on.

From 1871 to 1928, the federal government tried to force Native Indians to become like everyone else. Although Congress finally declared Native Indians as citizens of the U.S. in 1924, the government still separated Indian children from their parents and sent them to boarding schools to learn how to become “good Americans.” This policy stopped for a period between 1928 and 1945, but resumed again in the “termination” period — a period where instead of trying to change children, the government would not recognize whole tribes and tried to force them to live in a white society.

Finally, in 1970, President Nixon declared a new period of self-determination for the Native Indians. Now, they have the right to administer their own federally supported health, education, and other programs in much the same way that states do. More importantly, they can keep their culture, pride, and dignity.

HISPANIC AMERICANS

Hispanic Americans (those with Spanish-speaking cultures such as Cubans, Puerto Ricans, or Mexicans) have also been victims of discrimination. They are typically much poorer than whites, live in sub-standard housing, and suffer from language and cultural barriers.

Many Cubans fled their native land in the 1950s when Fidel Castro assumed power. Although they have settled in different places across the United States, a good number of them are established in business communities within Florida, particularly in Miami.

Other Hispanic Americans have not fared as well as the Cubans in American society. With unemployment being almost twice as high in some Puerto Rican communities, many Puerto Ricans come to the United States seeking jobs. However, they are often disappointed. The jobs they end up getting are usually low-paying ones. Still, Puerto Rican Americans have strong cultural ties and are taking political and social actions to better themselves.

Another large group of Hispanic Americans are of Mexican origin. Some of these Mexican Americans are recent immigrants, while others have been in the United States longer than anyone except the Native Indians. Mexican Americans often face racial discrimination because of their strong cultural ties to Mexico. They also end up with low-paying jobs (such as being a migrant farm worker doing back-breaking labor in fields and groves).

Hispanic Americans, as a whole, still have a way to go before they achieve true equality. They still struggle with discrimination and poverty, but they have gained an identity as a race and are determined to claim
the benefits that America promises to its citizens.

**ASIAN AMERICANS**

Like other minorities, Asian Americans have faced discrimination for political and social reasons. During World War II, Japanese Americans were suspected of disloyalty to the United States simply because they were Japanese. President Roosevelt issued an order that forced Japanese Americans who lived on the west coast to move inland to detention camps. The government had no proof that those citizens posed any threat to national security, yet it took away their civil liberties.

Because their rights were violated, Japanese Americans received monetary compensation from the U.S. in the late 1980s. Moreover, Congress repealed the provision authorizing the preventative detention of U.S. citizens — whom the government believes (in the absence of proof) may be spies during wartime — supporting the American idea of justice, which assumes that a person is innocent until proven guilty.

**WOMEN’S RIGHTS**

Although women are not a minority in the United States (they represent 51 percent of the population according to the 1980 and 1990 censuses), they have suffered throughout America’s history from a form of discrimination called sexism. The Declaration of Independence states that all “men” are created equal, and the Bill of Rights does not specify women as free and equal citizens.

The first movement for women’s rights began in the 1840s, around the same time that the movement to abolish slavery was gaining steam. Early feminists realized that they had the same lack of equality as the slaves: they did not receive equal pay for equal work, they had little educational and professional opportunities, and the courts did not consider them as equals. Additionally, since they did not have the right to vote, they had to abide by laws which they had no decision in making.

The first women’s movement focused its efforts on suffrage — the right to vote. These women were very disappointed when the Fifteenth Amendment gave black men the right to vote but excluded them. Despite this failure, their movement continued to make progress. Finally, in 1920, the Nineteenth Amendment became law, giving women the right to vote. Although achieving victory, the women’s movement did not die — women were still unequal in many other ways.

The civil rights movements of the 1950s and 1960s encouraged young women to become active in the women’s liberation movement. As a result of their lobbying, Congress passed the Equal Pay Act of 1963. In 1966, Betty Friedan formed the National
Organization for Women (NOW), which remains today as an active force for women’s equality.

Another milestone in the fight for women’s equality was the Equal Rights Amendment (ERA). First introduced to Congress in 1923 by a small number of women, supporters continued to introduce it every year for 49 years. It failed every time. Finally, in 1972, ERA passed Congress. The proposed amendment stated, “equality of rights under the law shall not be denied or abridged by the United States or any state on account of sex.” The statement sounds simple, but it caused much controversy on issues such as including women in the military draft.

Supporters of ERA had 10 years (which included a three-year extension) to convince three-fourths of the states to ratify it, which 28 states did in the first year (1972). By 1982, only 35 states had ratified it — three short of the number needed for passage. However, by then five states had withdrawn their ratification, which raised the serious legal issue of whether a state can rescind its previous ratification of an amendment.

Still, attitudes about women’s rights are changing. Most companies, politicians, and courts try to avoid using sexist language, and they encourage women to enter into fields of work or study that at one time were only for men. Overall, women have made much progress in the movement towards equality, but they have not yet fully achieved an equal status.

**RESPONSIBILITIES AS A CITIZEN**

As an American citizen, you have a responsibility to participate in and work for a democratic society. In addition to the responsibilities listed below, your school and community may offer many others.

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**BILL OF RESPONSIBILITIES**

- Obey all laws.
- Respect the rights and the property of others.
- Assist law enforcement agencies in keeping laws.
- Serve on a jury.
- Pay taxes.
- Vote.
- Be aware of civic issues.
- Work for constructive changes.
- Help to save the national resources.
- Contribute time, money, and effort to volunteer organizations.

*Developed by the Freedoms Foundation at Valley Forge*

**PREAMBLE.** Freedom and responsibility are mutual and inseparable; we can ensure enjoyment of the one only by exercising the other. Freedom for all of us depends on responsibility by each of us. To secure and expand our liberties, therefore, we accept these responsibilities as individual members of a free society.

- To be fully responsible for our own actions and for the consequences of those actions. Freedom to choose carries with it the responsibility for our choice.
- To respect the rights and beliefs of others. In a free society, diversity flourishes. Courtesy and consideration toward others are measures of a civilized society.
- To give sympathy, understanding, and help to others. As we hope others will
help us when we are in need, we should help others when they are in need.

- To do our best to meet our own and our families’ needs. There is no personal freedom without economic freedom. By helping ourselves and those closest to us to become productive members of society, we contribute to the strength of the nation.

- To respect and obey the laws. Laws are mutually accepted rules by which, together, we maintain a free society.

- To respect the property of others, both private and public. No one has a right to what is not his or hers. The right to enjoy what is ours depends on our respecting the right of others to enjoy what is theirs.

- To share with others our appreciation of the benefits and obligations of freedom. Freedom shared is freedom strengthened.

- To participate constructively in the nation’s political life. Democracy depends on an active citizenry. It depends equally on an informed citizenry.

- To help freedom survive by assuming personal responsibility for its defense. Our nation cannot survive unless we defend it. Its security rests on the individual determination of each of us to help preserve it.

- To respect the rights and to meet the responsibilities on which our liberty rests and our democracy depends. This is the essence of freedom. Maintaining it requires our common effort, all together and each individually.

CONCLUSION

Being a citizen of the United States gives you certain basic rights, responsibilities, and privileges. However, in today’s world, society has given new meaning to the need to protect those rights and freedoms. The challenge, then, is for you to take your responsibilities seriously in order to help preserve the rights and privileges of your citizenship.