Rights Across Governments

How constitutional protections reach federal, state, and local officials

8.C.4.5.D "Explain how the Bill of Rights protects individuals from abuse by the national government with most of its provisions being applied to the states through the 14th Amendment."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline one example of a limit on national power, circle the explanation of how the Fourteenth Amendment applies protections to states, and number the two state or local examples 1 and 2.

Who Must Respect Your Rights?

1. Imagine a federal official threatening to jail a reporter for criticizing a new law. The Bill of Rights, ratified in 1791, lists freedoms and legal protections that limit what the national government may do. The First Amendment protects freedom of the press, so federal officials cannot punish a reporter simply for criticizing a law. Other amendments protect people in different ways. For example, the Fourth Amendment guards against unreasonable searches and seizures. These rules help prevent officials from using government power to silence or intimidate individuals.

2. At first, the Bill of Rights restricted the national government, not state governments. After the Civil War, the Fourteenth Amendment said that states cannot deprive any person of liberty without due process of law. Over time, the Supreme Court used that amendment to apply most Bill of Rights protections to state and local governments, a process called incorporation. This means a city cannot ignore a protected freedom just because Congress was the original target. State officials must respect many of the same protections as federal officials.

3. Suppose a city cancels a peaceful rally because speakers plan to criticize its mayor. The First Amendment protects speech and peaceful assembly, and the Fourteenth Amendment makes those protections apply to the city. Now suppose state police search a person's phone without a warrant or another valid legal reason. The Fourth Amendment's protection against unreasonable searches applies to state police through the Fourteenth Amendment as well. Not every Bill of Rights rule applies to states in exactly the same way, but most basic protections now limit both levels of government.

2 ANSWER WITH EVIDENCE

Use the passage

1. Why would the Bill of Rights limit the federal official's actions toward the reporter?

2. How did the Fourteenth Amendment change the reach of most Bill of Rights protections?

3. Why does the passage say the city cannot cancel the rally because its speakers will criticize the mayor? Name both amendments involved.

4. Why must state police consider a person's rights before searching the person's phone? Name both amendments involved.

3 YOUR TURN

Your own words

A state legislature passes a law that fines people for printing newspaper articles critical of the governor. In three or four sentences, explain which freedom the law threatens, how the Bill of Rights first limited government, and why the state must respect that freedom.

ANSWER KEY

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GRADE 8 · 8.C.4.5.D

PART 1 · READ AND MARK

Underline one example of a limit on national power, circle the explanation of how the Fourteenth Amendment applies protections to states, and number the two state or local examples 1 and 2. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	Why would the Bill of Rights limit the federal official's actions toward the reporter?	**The First Amendment protects freedom of the press, so a federal official cannot punish the reporter simply for criticizing a law.**
2	How did the Fourteenth Amendment change the reach of most Bill of Rights protections?	**The Bill of Rights originally limited the national government. Through the Fourteenth Amendment, the Supreme Court applied most of its protections to state and local governments.**
3	Why does the passage say the city cannot cancel the rally because its speakers will criticize the mayor? Name both amendments involved.	**The First Amendment protects speech and peaceful assembly. The Fourteenth Amendment makes those protections apply to the city.**
4	Why must state police consider a person's rights before searching the person's phone? Name both amendments involved.	**The Fourth Amendment protects against unreasonable searches, and the Fourteenth Amendment applies that protection to state police.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

The law threatens freedom of the press because it punishes people for publishing criticism of the governor. The First Amendment originally limited the national government. Through the Fourteenth Amendment, that protection also applies to states. The state legislature cannot avoid the protection simply because it is not Congress.

Accept answers that distinguish the Bill of Rights' original limit on national power from the application of most protections to states through the Fourteenth Amendment. For the rally and newspaper examples, students should identify the protected expression, not claim that every restriction on speech is forbidden.