

THE EXPANSION OF CIVIL RIGHTS AND LIBERTIES

SS.912.CG.2.6 Explain how the principles contained in foundational documents contributed to the expansion of civil rights and liberties over time.

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2023 BENCHMARK UPDATES

- Updated from SS.912.C.2.9
 - Changed from “~~Identify~~ the expansion of civil rights and liberties by examining the principles contained in ~~primary~~ documents.” to “Explain how the principles contained in foundational documents contributed to the expansion of civil rights and liberties over time.”
- Depth of Knowledge Changes within Benchmark
 - Changed from “Identify” to “Explain”
- Addition of Benchmark Clarifications
 - Benchmark clarifications are an addition to the 2023-2024 high school civics and government benchmarks. Benchmark clarifications are listed in the lesson summary below.

Essential Teacher Content Background Information

[Teacher Content Notes Not Appropriate For Student Use]

This section addresses the following topics:

1. Key Principles Contained in United States Founding Documents
2. Individual Rights in the Constitution
3. The Extension of Civil Rights Through Amendments, Executive Action, Legislative Action, and Court Rulings

1. Key Principles Contained in United States Founding Documents

There are several key principles around which the United States' founding documents were created. Among these principles are: due process of law, equality of mankind, limited government, natural rights, and the rule of law.

The table below includes these five principles, a definition, and evidence of how these principles are reflected in two founding documents--the Declaration of Independence and the U.S. Constitution.

Principle	Definition	Evidence from the Declaration of Independence	Evidence from the U.S. Constitution (including its Amendments)
Due process of law	the right of people accused of crimes to have laws that treat them fairly, so that they cannot lose their life or freedom without having their legal rights protected	Referencing the present King of Great Britain (George III): <i>"For depriving us in many cases, of the benefits of Trial by Jury"</i>	From the Fifth Amendment: <i>"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, ...nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law;"</i>
Equality of mankind	every individual is born equal, has equal opportunity to succeed, and is entitled to the same set of basic rights	<i>"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are</i>	From the 14th Amendment: <i>"No State shall...deny to any person within its jurisdiction the equal protection of the laws."</i>

		<i>Life, Liberty and the pursuit of Happiness.”</i>	
Limited government	a government that has been limited in power, such as by a constitution, or written agreement	<i>“To secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed...”</i>	From the Preamble of the U.S. Constitution: <i>“We the People of the United States, ... do ordain and establish this Constitution for the United States of America.”</i>
Natural rights	individuals are born with basic rights that cannot be taken away by governments	<i>“...that they [all men] are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”</i>	From the 14th Amendment: <i>“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”</i>
Rule of law	those who govern must follow the laws; no one is above the law	<i>“...it is the Right of the People to [lay] its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.”</i>	From Article VI: <i>“This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; ...shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.”</i>

2. Individual Rights in the Constitution

Individual rights are secured through the U.S. Constitution and were furthered with the ratification of the Bill of Rights, the 14th Amendment, and subsequent amendments. Individual rights are also continuously advanced through the interpretations of the Supreme Court, the legislation created by Congress, and the enforcement of laws and executive orders enacted by the President of the United States. Protected rights are commonly referred to in the broader categories of civil rights and civil liberties. Civil liberties are documented as specific protections against government action. Civil rights are government actions taken to ensure equal conditions for all American citizens.

3. The Extension of Civil Rights Through Amendments, Executive Action, Legislative Action, and Court Rulings

According to legal dictionaries, a civil right is an enforceable right or privilege, which if interfered with by another gives rise to an action for injury. People often confuse civil rights and civil liberties. Civil rights refer to legal provisions that stem from notions of equality. Civil rights are not in the Bill of Rights; they deal

with legal protections. For example, the right to vote is a civil right. A civil liberty, on the other hand, refers to personal freedoms protected from government intrusion such as those listed in the Bill of Rights. For example, the First Amendment's right to free speech is a civil liberty.

Discrimination occurs when the civil rights of an individual are denied or interfered with because of the individual's membership in a particular group or class. Throughout the course of U.S. history, actions taken by the national government, state governments, and society, have worked to expand civil rights and prevent discrimination based on a person's race, sex, religion, age, previous condition of servitude, physical limitation, and national origin. The structural components of our constitutional republic provide for four main processes that may be used to affect change, like the expansion of civil rights. They are:

- A. Amendments: Outlined in Article V of the U.S. Constitution, if $\frac{2}{3}$ of both Houses of Congress approve, and it is ratified by $\frac{3}{4}$ of the states, an amendment may be added. The 13th, 14th, and 15th amendments constituted the largest expansion of civil rights in U.S. history.
- B. Executive Actions: An executive order is a directive from the president that has the same weight as federal law. The constitutional basis for the executive order is the president's broad power to issue executive directives. There is no direct mention of executive orders in the U.S. Constitution, however Article II grants executive powers to the president and requires that the president "shall take Care that the Laws be faithfully executed." Under the system of checks and balances, Congress can pass a new law to override an executive order, subject though to a presidential veto. Every president since Washington has issued an executive order. Two executive orders that aimed at direct expansion of civil rights were Lincoln's Emancipation Proclamation and Truman's order to desegregate the military.
- C. Legislative Actions: All legislative power in the United States government is vested in Congress. Article I outlines the areas in which Congress may legislate. Congress enacted numerous civil rights statutes during the Reconstruction era and then again during the Civil Rights Movement. The Civil Rights Act of 1964 and the Voting Rights Act of 1965 helped declare strong legislative policy against discrimination.
- D. Court Rulings: The courts play a crucial role in interpreting the extent of civil rights. One ruling can completely expand or restrict the civil rights of an entire group within the nation. The federal courts historically have also played an important role as they have stepped in to protect civil rights of groups when state and local governments engage in attempts to discriminate. One of the most famous examples of the role courts play in expanding civil rights is *Brown v. Board of Education*.

Lesson Summary

BENCHMARK		
SS.912.CG.2.6 Explain how the principles contained in foundational documents contributed to the expansion of civil rights and liberties over time.		
BENCHMARK CLARIFICATIONS		
<ul style="list-style-type: none">Students will explain how different groups of people (e.g., African Americans, immigrants, Native Americans, women) had their civil rights expanded through legislative action (e.g., Voting Rights Act, Civil Rights Act), executive action (e.g., Truman’s desegregation of the army, Lincoln’s Emancipation Proclamation) and the courts (e.g., Brown v. Board of Education; In re Gault).Students will explain the role founding documents, such as the Declaration of Independence and the Constitution, had on setting precedent for the future granting of rights.		
FLORIDA CIVIC LITERACY EXAM COMPETENCY CONNECTION		
Competency 1: Understanding of the basic principles and practices of American democracy and how they are applied in our republican form of government Competency 3: Knowledge of the founding documents and how they have shaped the nature and functions of our institutions of self-government Competency 4: Understanding of landmark Supreme Court cases, landmark legislation, and landmark executive actions and their impact on law and society		
OVERVIEW		
In this lesson, students will explain how the principles contained in the founding documents set precedence for the nation to expand civil rights and liberties through amendments, legislative action, executive action, and court decisions.		
ESSENTIAL QUESTION		
How have the principles contained in foundational documents contributed to the expansion of civil rights and liberties over time?		
GOVERNMENT CONTENT VOCABULARY		
<ul style="list-style-type: none">14th Amendment, 19th Amendment, amendment, <i>Brown v. Board of Education</i>, civil liberties, civil rights, Civil Rights Act of 1964, Civil Rights Act of 1968, constitution, court rulings, Declaration of Independence, Emancipation Proclamation, executive action, Executive Order 9981, founding principles, Indian Citizenship Act, legislative action, natural rights, <i>Reynolds v. Sims</i>, Voting Rights Act of 1965		
INSTRUCTIONAL STRATEGIES		
Reading roles	Primary source investigation	Sorting and classifying
MATERIALS		

- The American Promise video (external link)
- The American Promise Video Viewing Guide
- The Promises of America’s Founding Documents reading
- The Promises of the Declaration Quotes
- Expanding Civil Rights and Liberties Card Sort
- Expanding Civil Rights slides
- Civil Rights Expansion Research Topics slide (optional)
- Civil Rights Expansion Poster Rubric (optional)
- Student digital device (optional)

B.E.S.T. STANDARDS

The grade in which this lesson is taught will determine the specific B.E.S.T. standards correlation. Thematically, this lesson aligns to:

- ELA.11.R.2.1 Evaluate the structure(s) and features in texts
- ELA.11.R.3.2 Paraphrase content from grade-level texts

Suggested Student Activity Sequence & Pace

DAY	ACTIVITY SEQUENCE
DAY 1	<ol style="list-style-type: none"> 1. Begin the lesson by having students watch an excerpt from President Lyndon Johnson's Voting Rights Speech "The American Promise", in which President Johnson is urging a Joint Session of Congress to pass the Voting Rights Act. 2. While students watch the video, have them complete "The American Promise Video Viewing Guide". 3. Review the viewing guide as a whole class. Lead students to an introductory understanding that not all groups of people were granted the opportunity to enjoy their full civil rights and liberties when the nation was first established. However, our foundational documents would set the precedent for the expansion of those rights, like we saw in 1965 with the events highlighted in the video. 4. Distribute a "The Promises of America's Founding Documents" reading to each student. 5. Complete the reading as a class, modeling text marking strategies as you go. 6. After reading, have students individually answer the reflection question at the bottom. 7. Have students share some of their responses. 8. Ask students: Throughout American history, what are some of the different groups of people that required an expansion of civil rights and liberties before they could fully realize the promises of the Declaration? (African Americans, immigrants, Native Americans, women) 9. Lead students to an understanding that many social movements throughout American history relied on the words of the Declaration and Constitution to push for the granting of additional rights. 10. Divide students into seven groups. 11. Within their groups, have them select from the following roles: Author, Audience, Time Researcher, Vocabulary Specialist, and Significance. Teacher Note: If you need bigger groups in order to fulfill all of the roles, each group could receive more than one quote. Students could also double up on roles. 12. Provide each group one quote from "The Promises of the Declaration Quotes" handout. 13. In their groups, they should read the quote together and attempt to analyze. As they discuss the meaning of the quote, they should fulfill their assigned role. <ul style="list-style-type: none"> ■ Author: Identifies the author ■ Audience: Discuss who might be the intended audience of the person's words ■ Time Researcher: Figures out what was going on in U.S. history during the time of the quote ■ Vocabulary Specialist: Helps define difficult or unfamiliar terms ■ Significance: Explains why the quote is important 14. While groups work, circulate the room to monitor for engagement and assist with understanding. 15. Once all groups have analyzed their quotes, bring the class back together and have each group share a brief summary of their analysis. 16. Finish class by explaining to students that tomorrow, they will be examining the actions that can be taken within our constitutional republic to expand civil rights and liberties when deemed necessary.

DAY 2

Planning Note: Elements of this benchmark are also addressed in SS.912.CG.2.1, SS.912.CG.3.2, and SS.912.CG.2.10 as these also address the expansion of rights. The examples used in today's lesson should be familiar to students.

Planning Note: Prior to the start of class you will need to print, cut, and organize enough copies of the "Expanding Civil Rights and Liberties Card Sort" for each pair to have a set. It is also important to note that the slides are currently organized as an answer key.

1. Begin class by projecting slide 1 of the "Expanding Civil Rights" slides.
2. Instruct students to examine the four images on the slide and note similarities and differences they observe.
3. Lead students to the understanding that the four different groups represented on the slide (African Americans, immigrants, women, and Native Americans) all had their civil rights expanded throughout history through various actions.
4. Ask students: What principles of the nation's founding documents did many of these groups cite when fighting for these expanded rights?
5. Ask students: What processes did the Framers include within the U.S. Constitution and the structural components of the government for when change, such as the expansion of rights, is necessary?
6. Using slide 2, lead students to an understanding that throughout U.S. history, different groups have had their rights expanded through amendments, legislative action, executive action, and court rulings.

Teacher Note: If desired, you may have students take notes on this information and use the teacher background information to expand understanding.

7. Place students into pairs or small groups.
8. Pass out the cut copies of the "Expanding Civil Rights and Liberties Card Sort" to each pair.
9. Explain to students that in their pairs, they are going to examine some historic examples of the different actions taken to expand civil rights to various groups.
10. Students will work together to organize the information into a three-way match. They will determine if the historic event was an executive action, legislative action, amendment, or court ruling. Then they will match it a third time with a description of the action.
11. Walk around the room and monitor students and offer help if they are struggling.
12. As a class, go over the cards and ensure all students got the correct responses.

Teacher Note: It is suggested that you allow students to leave the matching activity displayed while they craft their formative written response outlined in the next step.

13. Checking for Understanding (Formative Assessment): Instruct students to write a well-crafted informative response using the following prompt:

Prompt: Explain how civil rights and liberties have been expanded over time through executive actions, legislative actions, amendments, and court rulings to reflect the principles of the founding documents.

Extension Suggestion: If you want to have students dive deeper into specific instances of civil rights and liberties expansions for the various groups listed in the benchmark clarification, this can be done with a small research project. They may use the list of suggested sources and topics from this "Civil Rights Expansion Research Topics" slide and this "Civil Rights Expansion Poster Rubric" to guide them.

Government Content Vocabulary

Word/Term	Definition
14th Amendment	(1868) established that all people born in the United States are citizens entitled to the same privileges and immunities as other citizens, due process of law, and equal protection of the laws
19th Amendment	(1920) extended the right to vote to women
amendment	changes added to the constitution
<i>Brown v. Board of Education</i>	U.S. Supreme Court case that determined that “separate but equal” segregation was not equal in public education
civil liberties	protections against government actions that may restrict individual rights
civil rights	actions taken by the government to ensure equal rights for all Americans
Civil Rights Act of 1964	a federal law that prohibits employment discrimination based on race, sex, color, religion, or national origin
Civil Rights Act of 1968	a federal law that prohibited the sale, rental, or financial discrimination based on race, sex, color, religion, or national origin
constitution	the basic principles and laws of a nation or state that determine the powers and duties of the government and guarantee certain rights to the people in it; usually a written document
court rulings	decision made by a court on the matter presented; often synonymous with judgment or opinion
Declaration of Independence	founding document of the United States, adopted on July 4, 1776 by the Second Continental Congress and contained the unanimous declaration of the thirteen colonies declaring independence from Britain
Emancipation Proclamation	1863 executive action of President Abraham Lincoln which declared an end to slavery in states in rebellion against the United States during the Civil War
executive action	a directive issued to federal agencies, department heads, or other federal employees by the President of the United States under his statutory or constitutional powers
Executive Order 9981	1948 executive order of President Harry Truman that ordered desegregation of the United States’ armed forces; also known as the Freedom to Serve Order
founding principles	principles the founding documents of the United States were based on: due process of law, equality of mankind, limited government, natural rights, consent of the governed, and the rule of law

Indian Citizenship Act	a law passed in 1924 that granted citizenship to all Native Americans born in the United States
legislative action	a law or bill passed
natural rights	rights an individual is born with that cannot be taken away by governments
<i>Reynolds v. Sims</i>	1964 Supreme Court case that established that equal protection requires that state legislative districts be comprised of roughly equal populations if possible
Voting Rights Act of 1965	a federal law that banned race discrimination in voting practices by national, state, and local governments

ADDITIONAL RESOURCES

[Florida Department of Education: Florida Civic Literacy Exam Homepage](#)

Florida Department of Education's Civic Literacy Reading List

- *For the Equal Rights Amendment* (1969) by Shirley Chisholm
- *Brown v. Board of Education* (1954)
- Speech to Congress on Voting Rights (1965) by Lyndon Johnson
- Letter from Birmingham Jail by Martin Luther King Jr.
- *Democracy in America* by Alexis de Tocqueville
- Federalist Papers by Alexander Hamilton, James Madison, and John Jay
- *Notes on the Constitutional Convention* by James Madison

ANSWER KEYS

Sample Answers: The American Promise Video Viewing Guide

Sample Answers: The Promises of America's Founding Documents reading

Written Response: Sample Scoring Rubric

SOURCES

Sources for quotes found within handout

Image sources for slides found within presentation

The American Promise speech, LBJ video excerpt: <https://www.lbjlibrary.org/object/video/american-promise>

The Declaration of Independence:

<https://billofrightsinstitute.org/primary-sources/declaration-of-independence>

U.S. Constitution: <https://www.archives.gov/founding-docs/constitution-transcript>

Reynolds v. Sims from Oyez: <https://www.oyez.org/cases/1963/23>

Brown v. Board of Education from Oyez: <https://www.oyez.org/cases/1940-1955/347us483>

Indian Citizenship Act from Library of Congress: <https://www.loc.gov/item/today-in-history/june-02/>

Civil Rights Act of 1964: <https://www.archives.gov/milestone-documents/civil-rights-act>

Civil Rights Act of 1968:

[https://www.hud.gov/program_offices/fair_housing_equal_opp/aboutfheo/history#:~:text=The%201968%20Act%20expanded%20on,Housing%20Act%20\(of%201968\)](https://www.hud.gov/program_offices/fair_housing_equal_opp/aboutfheo/history#:~:text=The%201968%20Act%20expanded%20on,Housing%20Act%20(of%201968))

Voting Rights Act of 1965:

<https://www.archives.gov/milestone-documents/voting-rights-act#:~:text=This%20act%20was%20signed%20into,as%20a%20prerequisite%20to%20voting.>

Executive Order 9981: <https://www.archives.gov/milestone-documents/executive-order-9981>

Emancipation Proclamation:

<https://www.archives.gov/exhibits/featured-documents/emancipation-proclamation#:~:text=Espa%C3%B1ol, and%20henceforward%20shall%20be%20free.%22>

Cornell Law School Wex Legal Dictionary: <https://www.law.cornell.edu/>