



My Rights and Liberties: SS.7.CG.2.3 Name: \_\_\_\_\_

**The Bill of Rights and  
Amendments  
READING #5**

Date: \_\_\_\_\_



**SS.7.CG.2.3 Benchmark Clarification 5:** Students will use scenarios to recognize violations of the Bill of Rights or other constitutional amendments.

The wording of the **Bill of Rights** is not completely clear. What is “speech?” “What is the freedom of religious exercise?” What does it mean to “guarantee the right to counsel?” The U.S. Supreme Court has been asked to interpret situations where individuals have asked whether their rights guaranteed under the U.S. Constitution have been violated (abused) by a federal, state, or local law. By analyzing these situations, the U.S. Supreme Court has interpreted what the Bill of Rights and other amendments to the Constitution mean. The U.S. Supreme Court has recognized violations (abuses) of Constitutional protections through these interpretations. Also, these decisions have established **precedents** for future court decisions.

One example is **Tinker v. Des Moines** (1969). This case interpreted the First Amendment right to free speech to include “**symbolic speech.**” John and Mary Beth Tinker, who attended public school in Des Moines, Iowa, wanted to wear black armbands to school to protest the Vietnam War in 1965. The school did not allow students to wear black armbands, and the Tinkers were suspended. Their parents sued the school district, and the U.S. Supreme Court eventually heard the case. The Court decided that the wearing of black armbands was a form of “symbolic speech” or “political speech” that was protected by the “free speech” right in the First Amendment. The U.S. Supreme Court said that denying students the right to wear black armbands violated their free speech rights under the Bill of Rights.

**Miranda v. Arizona** (1966) was a case about protection from **self-incrimination** or the right to **plead the fifth** (remain silent). The police did not tell Miranda that he did not have to say anything to the police when they questioned him. He confessed to a crime, and the confession was used against him in court. The U.S. Supreme Court decided that his confession could not be used against him in court because the police did not tell him he had the right to remain silent (to not incriminate himself). As a result of this case, police must inform people of their rights if they are arrested for committing a crime. These rights are now called Miranda Rights.

**Bill of Rights** - the first ten amendments of the U.S. Constitution

**Miranda v. Arizona** - U.S. Supreme Court cases that upheld the Fifth Amendment protection from self-incrimination

**plead the fifth** - the act of a person refusing to testify under oath in a court of law on the grounds that the answers could be used as evidence against him to convict him of a criminal offense

**precedent** - a court decision in an earlier case with facts and legal issues similar to those in a case currently before a court

**self-incrimination** - the right in the Fifth Amendment that protects a person from being forced to tell the police, prosecutor, judge, or jury any information that might subject him or her to criminal prosecution

**symbolic speech** - an action that expresses an idea

**Tinker v. Des Moines** - U.S. Supreme Court case that upheld a student’s First Amendment right to engage in symbolic speech in school