

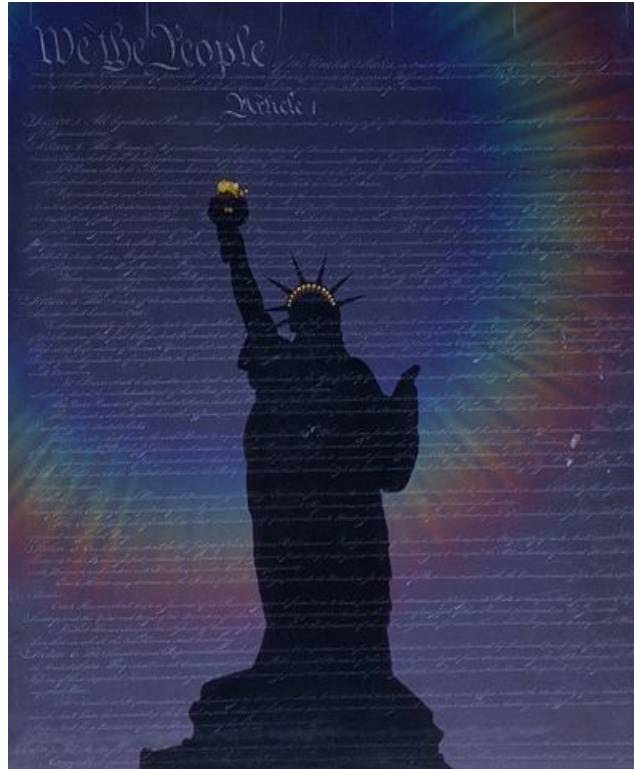
Fundamental Principles and Values of American Political and Civic Life

Political and civic life in the United States rests on a set of fundamental principles and values including equality, rule of law, limited government, and representative government. Activities explore the meaning of these principles and values, the importance of the 14th Amendment to the Constitution, and the boundaries of student rights at school as well as the history of the Boston Massacre and the right to an attorney at trial. A Media Literacy Connection examines online messaging by special interest groups.

Standard 4.4: Fundamental Principles and Values of American Political and Civic Life

Define and provide examples of fundamental principles and values of American political and civic life. (Massachusetts Curriculum Framework for History and Social Studies) [8.T4.4]

FOCUS QUESTION: What are the Fundamental Principles and Values of American Political and Civic Life?



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Modules for this Standard Include:

1. [INVESTIGATE: Fundamental Principles and Values of American Life](#)
 - Equality
 - Rule of Law
 - Limited Government
 - Representative Democracy
 - MEDIA LITERACY CONNECTIONS: Online Messaging by Special Interest Groups
 - SPECIAL TOPIC BOX: John Adams, The Boston Massacre, and the Right to an Attorney at Trial
2. [UNCOVER: The Importance of the 14th Amendment](#)
3. [ENGAGE: What Are and Should Be Students' Rights at School?](#)

1. INVESTIGATE: Fundamental Principles and Values of American Life

Equality, Rule of Law, Limited Government, and Representative Government are examples of fundamental principles and values in American political and civic life.



[Image on Pixabay](#)

Equality

The word "equality" did not appear in the Constitution of 1787 or the Bill of Rights of 1789. While the Constitution guaranteed rule of law to all citizens and provided security of liberty under the law, the existence of slavery and inequalities in the status of women contradicted the idea of equal rights.

It was not until after the Civil War that equality was deliberately addressed in the Constitution through a series of amendments:

- The 13th Amendment (1865) banned slavery.
- The 14th Amendment (1868) guaranteed equal rights of citizenship to all Americans, with the special intention of protecting the rights of former slaves.
- The 15th Amendment (1870) provided voting rights of all citizens.

Learn more about the efforts toward equality for marginalized groups:

- [The African American Struggle For Equality](#) provides background on the history of the 13th, 14th, and 15th amendments.
- The website [Equal Rights Amendment](#) discusses efforts to expand the concept of equality to women.
- [Black Lives Matter](#) is an organization dedicated to overcoming violence and oppression of African Americans.
- [Human Rights Watch](#) works to ensure the equal rights of lesbian, gay, bisexual, and transgender individuals.

Rule of Law

The concept of the rule of law is taken from Alexander Hamilton's [Federalist 33](#) where he wrote: "If individuals enter into a state of society, the laws of that society must be the supreme regulator of their conduct."

According to the United States Courts, "the Rule of law is a principle under which all persons, institutions, and entities are accountable to laws that are:

- Publicly promulgated
- Equally enforced
- Independently adjudicated
- And consistent with international human rights principles" ([Administrative Office of the U.S. Courts, n.d., para. 5](#)).

Special Topic Box: John Adams, the Boston Massacre, and the Right to an Attorney at Trial

The **right to a trial** when accused of a crime is one of the foundations of the rule of law in United States society. Guaranteed to all by the **Sixth Amendment** to the Constitution, it means that defendants have:

- the right to speedy trial,
- the right to a lawyer to defend them,
- the right to an impartial jury, and
- the right to confront one's accusers and to know the charges being brought against them ([National Constitution Center](#)).

Before the Constitution and its Sixth Amendment was passed, the right to trial and the right to have a lawyer for those charged with a crime faced a stern test in the aftermath of the events of March 5, 1770 on King Street in Boston, Massachusetts when British soldiers fired their guns into a crowd of protesters, killing 5 people in what has become known as the **Boston Massacre**.



[USCapitol - Boston Massacre](#) by [USCapitol](#) | Public Domain

One of those who lost his life was a Black man, Crispus Attucks, who is regarded as the first person killed in the American Revolution. What actually happened that night and why is still debated by historians and the event has parallels to modern-day responses by police officers to Black and Brown Lives Matter protesters.

Watch the [Boston Massacre Scene from the TV mini-series John Adams](#)



[Watch on YouTube](#)

In colonial Boston, immediately afterwards, popular emotions were high and people wanted instant punishment for the soldiers and the commander. [John Adams](#), a 34 year-old Boston attorney and later the second President of the United States, agreed to defend the soldiers despite possible threats to himself and his family. Adams believed every person deserved a trial in court and a lawyer to defend them, no matter how clear and obvious someone's guilt may seem.

Going against the immense pressure of popular opinion, John Adams took a courageous action, one that helped establish the concepts of what would be the Sixth Amendment in American law.

Adams's efforts resulted in acquittal of the British commander, Captain Thomas Preston and six of the soldiers; two others were convicted of manslaughter. Of his legal work, Adams later said, "It was, however, one of the most gallant, generous, manly and disinterested Actions of my whole Life, and one of the best Pieces of Service I ever rendered my Country."

Still, it took till the 1963 landmark Supreme Court case [Gideon v. Wainwright](#) to ensure that the state must provide an attorney to any defendant who cannot afford to hire their own lawyer, thereby guaranteeing the right to counsel to anyone accused of a crime.

Suggested Learning Activities

- **Analyze Adams' Defense** ([Adams' Argument for the Defense, December 1770](#))
- **Write and Draw a History of the Event and Its Aftermath**
 - Write or draw a picture book (for children) or graphic novel (for teens) which explains the history of the right to a trial and a lawyer to defend you.

Limited government

In the United States political system, the national government is given limited but not supreme or total powers. After the struggle of the American Revolution to be free from rule by a king, people in the colonies were very wary of a tyrannical

ruler or an overbearing government. In the Constitution, limited government relates to free markets and classical liberalism, drawing on Adam Smith's philosophy of the "[invisible hand](#)" and self-regulating economies.

The [9th](#) and [10th](#) amendments of the Bill of Rights further express the concept of limited government. Those amendments state that the rights of people do not have to be expressly written in the Constitution and that delegated powers of the Federal government are only to be performed if expressly mentioned in the Constitution. The Constitution also limits government intervention in other key areas of political life, including thought, expression, and association.

Representative democracy

Representative democracy is the principle that people elect individuals to represent them in the government. This is a fundamental element of the governmental system of the United States. Voters elect representatives to a ruling body (the Congress) who acts on behalf of the people's best interests. Learn more from this video: [Representative Democracy](#).

Media Literacy Connections: Online Messaging by Special Interest Groups

Advocacy organizations (also known as **special interest groups**) are groups that support a political issue or cause ([What is an Advocacy Group?](#)). These organizations engage in fundraising, conducting public awareness and information campaigns, lobbying legislators, and contributing to political campaigns. They make extensive use of social media.

In these activities, you will explore how civil rights and social justice advocacy organizations use social media and online messaging to promote equality in society and then you will design your own!

- [Activity 1: Evaluate the Social Media Messaging of Advocacy Organizations](#)
- [Activity 2: Analyze Persuasion Techniques in Advocacy Groups' Websites](#)



[Watch on YouTube](#)

Suggested Learning Activity

- **Create a Public Service Announcement (PSA) Video**
 - Does American political and civic life exemplify the fundamental principles and values of equality, rule of law, limited government, and representative government?
 - Conduct research and then create a video that educates others.
- **Create a Social Media Post About Representative Democracy**
 - Using TikTok, Instagram, Snapchat, or some other digital tool, create a social media post that answers the following questions:
 - What personal qualities, education, and background should an elected representative have?
 - How would that representative best stay in touch with you and other constituents?
 - What problems do you want that representative to focus on solving?
 - What type of person do you want representing you in government at the local, state, and national level?

Online Resources for Fundamental Principles of American Political Life

- [Fundamentals of Representative Democracy](#), Lesson Plans for High School Civics, Government, and U.S. History Classes
- [Learning Plans That Help Students Learn About Democracy](#)

2. UNCOVER: The Importance of the 14th Amendment

John Bingham, a now mostly forgotten Congressman from Ohio, wrote these famous words of the [14th Amendment](#):

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.



[14th Amendment Sign at the Brown v. Board of Education Historical Site](#)
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The 14th Amendment is a landmark in United States law. The Bill of Rights protected citizens from infringements on their rights by the **federal** government. This amendment extended people's constitutional protections to actions by **state** governments that would deprive a person of life, liberty or property without due process under the law.

Passed on July 9, 1868 and based on the [Civil Rights Bill of 1866](#), the amendment had five sections:

- State and federal citizenship for everyone, no matter of race, who were born or naturalized in the United States.
- States are not permitted to limit "privileges and immunities" of citizens.
- No citizen is denied life, liberty, or property without "due process of law."
- No citizen can be denied "equal protection of the laws."
- Congress has the power to enforce these laws ([Faragher, et. al., 2011, p. 505](#)).

Historian Eric Foner (2019) characterized the three post-Civil War amendments as "sleeping giants . . . that continued to inspire those who looked to the Constitution to support their efforts to create a more just social order" (p. xxviii).

The [14th Amendment](#) transformed law and society in the United States. As *New York Times* opinion writer Magliocca (2013) noted:

This sentence would be the legal basis for the Supreme Court's subsequent decisions desegregating the public schools, securing equality for women, and creating the right to sexual privacy. Bingham also said that his text would also extend all of the protections of the Bill of Rights to the actions of state governments, which is largely, though not completely, the law today (para. 15).

Brown v. Board of Education (1954), school desegregation; *Mapp v. Ohio* (1961), prevention of illegal search and seizure; *Gideon v. Wainwright* (1965), the right to a lawyer; *Loving v. Virginia* (1967), the right to interracial marriage; and *Obergefell v. Hodges* (2015), the right to gay marriage were among the landmark Supreme Court decisions based on the 14th Amendment.

The 14th Amendment was one of three post-Civil War or Reconstruction Amendments to the Constitution, the others being the **13th Amendment** that abolished slavery and the **15th Amendment** gave all citizens the right to vote regardless of race, color, or previous position of servitude. Voting rights for women, however, were not guaranteed.

The 14th Amendment was a direct response to the "[Black Codes](#)," laws passed by White southern state legislators after the Civil War to maintain the unequal position of African Americans in the former Confederate states. The 14th Amendment, observed historian Heather Cox Richardson, declared that "state governments could not pass laws that threatened some people worse than others" (*Letters to an American*, July 8, 2022).

A less well-known part of the 14th Amendment is [Section 3, its disqualification clause](#) that prevents anyone who had engaged in an insurrection against the government from ever running or holding political office again.

In December 2023, the Colorado Supreme Court cited that section of the amendment to prevent former president Donald Trump from appearing on the state's 2024 Presidential primary ballot. In a 4 to 3 decision, the Court held that Trump had engaged in an insurrection through his actions leading up to and on January 6, 2021. [Read the Court's decision here.](#)

The issues raised center around two key constitutional questions, noted University of Massachusetts Amherst professor Paul Collins: "did Trump engage in an insurrection" and "does the 14th Amendment apply to the president" (quoted in MacDougall, Greenfield Recorder, December 21, 2023, p. A10). The Supreme Court will be asked to resolve those questions.

Suggested Learning Activities

• Research and Report

- How did the 14th Amendment serve as the basis for the following landmark Supreme Court decisions?
 - [Brown v. Board of Education](#) (1954): School desegregation
 - [Mapp v. Ohio](#) (1961): Illegal search and seizures
 - [Gideon v. Wainwright](#) (1963): Right to access to an attorney
 - [Griswold v. Connecticut](#) (1965): Right to privacy
 - [Loving v. Virginia](#) (1967): Interracial marriage
 - [Regents of the University of California v. Bakke](#) (1978): Affirmative action

[The National Constitution Center](#) has overviews of more Supreme Court cases involving the 14th Amendment.

Online Resources for the 14th Amendment

- [The Meaning of the 14th Amendment](#), PBS Learning Media
- [How Supreme Court Decisions Affect History](#), Thirteen.org
- [Congress Debates the Fourteenth Amendment](#), Facing History and Ourselves

3. ENGAGE: What Are and Should Be Students' Rights at School?

Students "do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate" declared the Supreme Court in the 1969 [Tinker v. Des Moines](#) case (the details of the case are in [Topic 5/Standard 6](#) of this book).

At the same time, the law permits schools to set their own rules and policies about what students can and cannot do in school buildings ([First Amendment Rights for Student Protesters](#)). As a result, in many instances, students do not have the same rights in school buildings that they have outside them ([Student Rights at School: Six Things You Need to Know](#)). Under current law:

- Schools can restrict students' rights to free speech when student language and action can cause a "substantial disruption" to school activities or impinge on the rights of others.
- Schools can also restrict student speech that is lewd, happening at school-sponsored events, or promotes illegal drug use (Johnson, 2021).
- Students do not have a right to wear racially or religiously threatening images (such as swastikas or confederate battle flags) in school nor can they post racist or degrading comments about classmates on their outside-of-school social media accounts ([National Education Association, 2018](#)).
- Student actions can be restricted by school officials when those officials believe there is a significant threat to orderly educational practices or other peoples' legal rights.



[Minnesota High School Students Walked Out of School to Demand Changes to Gun Laws, March 7, 2018](#) by A1Cafel is licensed by [CC BY 2.0](#)

The rights of students are subject to shifting legal interpretations and intensified political debates over the ongoing issues of speech, privacy, social media, dress codes, discipline procedures, disability rights, gender expression, bathroom access, health, pregnancy, and more. Viewing recent history, legal scholar Catherine J. Ross (2015) contended that courts have retreated from the broad protections that were granted to student speech in the 1940s through the 1960s.

***Mahanoy Area School District v. B.L.* (2021)**

You can learn more about student legal rights involving speech and social media, including the landmark 2021 *Mahanoy Area School District vs. B.L.* Supreme Court decision (the so-called school cheerleader free speech case) in [Topic 5.6 of this book](#).

Students' Rights in Public vs. Private Schools

Students attending private schools (that is, schools not funded by local, state, or federal government) do not automatically have the same rights as their peers in public schools. Constitutional protections do not necessarily apply. Instead, student rights are determined by the legal contract that families sign to send children to those schools ([Student Rights in Private Schools](#)). Private schools therefore have broad discretion about the rules and behaviors they want to

enforce and students must follow them or they can be punished or expelled for violating the contract signed by their families to attend.

Ban on Hairstyle Discrimination in Schools

A recent focus on students' rights in schools revolves around efforts to ban **hairstyle discrimination**. In July 2022, Massachusetts passed the [CROWN Act](#) (Creating a Respectful and Open World for Natural hair) - the 18th state to adopt similar protections. The law defines natural and protective hairstyles as "braids, locks, twists, bantu knots, and other formations." The law in Massachusetts stems from the case of two twin Black 15-year-olds who were punished for wearing extensions at their charter school, although no White students had received penalties for violating hairstyle rules. A [bill to ban hairstyle discrimination nationally has been introduced in the House of Representatives](#) (2022).

Explore the following series of [Do You Know Your Rights as a Student](#) scenarios from the ACLU.

What additional rights should students have at your school?

Suggested Learning Activities

- **Analyze Data & Conduct Research**
 - Conduct a class poll: What do students in your class or school believe are their rights in school?
 - Conduct research on what legal rights students have in school (see [Student Rights at School: Six Things You Need To Know](#)).
 - Compare and contrast the findings from the poll with the findings from your research.
- **Design a Students Bill of Rights Digital Poster**
 - [The Rights of the Child](#), Teaching Tolerance
 - [11 rights](#) that all students (should) have from the Student Bill of Rights
 - [Student Bill of Rights](#), National Youth Rights Association
- **Record a Video or Podcast**
 - Create a video or [podcast](#) that summarizes students rights in schools.
 - Explore the following resources:
 - Freedom of Speech - [The First Amendment in Schools: A Resource Guide](#), National Coalition Against Censorship
 - Dress Codes - [School Dress Codes](#) & [School Dress Code Pamphlet](#), ACLU of Rhode Island
 - School Discipline - [School Discipline Pamphlet](#), ACLU of Rhode Island
 - Social Media - [Student Social Media Rights](#), ACLU Northern California
 - Student Protests - [Student Walkouts and Protest at School](#), ACLU Maine
- **Media Amendment to the Constitution**
 - Write an proposed new amendment to the US Constitution, in plain English, that spells out the rights of the government in regards to modern media (ex. Social media, tv news, Internet, etc.)
 - Explain if your amendment will expand or lessen the power of the government regulation in regards to media and publishing rights.

Online Resources for Student Rights at School

- [Boston Student Rights](#), Board & Boston Student Advisory Council
- [My School My Rights: Know Your Rights](#), ACLU of California
- [Know Your Rights: Students' Rights Scenarios](#), ACLU
- [Legal Guidance on Students Rights: Discrimination and Harassment Based on Race, Religion, National Origin, and Immigration Status](#), National Education Association (March 2018)

Standard 4.4 Conclusion

American political and civic life rests on a series of fundamental principles and broadly shared values. **INVESTIGATE** explored the meanings of four of those principles and values: equality, rule of law, limited government, and representative government. **UNCOVER** discussed how the 14th Amendment to the Constitution has over time extended America's fundamental principles and values to African Americans and other marginalized individuals and groups. **ENGAGE** asked what are the protections and limits of students' rights at school.



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