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CHAPTER SUMMARY*



Citizenship and Equal Justice

A NATION OF IMMIGRANTS

An alien is a person who lives in a country where he or she is not a citizen. The fundamental rights guaranteed in the Constitution apply to aliens. United States law recognizes five categories of aliens:

Category	Definition
Resident Aliens	have established permanent residence in the United States
Nonresident Aliens	expect to stay in the United States for a short, specified period of time
Enemy Aliens	are citizens of a nation with which the United States is at war
Refugees	are people fleeing to escape persecution
Illegal Aliens	have entered the United States without a legal permit

The immigration policy of the United States has changed over the years:

ne Chinese Exclusion Act of 1882 restricted the admission of Chinese laborers. Other restrictions were added over the next 30 years, but the number of immigrants soared.

- The Johnson Act of 1924 limited the number of immigrants who could enter the country each year and instituted a system that favored northern and western Europeans.
- The Immigration Reform Act of 1965 substituted quotas based on national origin for those based on hemisphere.
- The Immigration Reform and Control Act of 1986 provided a way for illegal immigrants to obtain legal status and imposed penalties on employers who hire illegal immigrants.
- The Immigration Act of 1990 raised immigration levels and sought to correct the inequities of past quotas. The act was also designed to admit more highly skilled and educated immigrants, as well as create a category for special immigrants.

THE BASIS OF CITIZENSHIP *****

Citizens have responsibilities that include obeying the laws, staying informed, voting, respecting the rights and properties of others, and tolerating differences.

The Fourteenth Amendment to the Constitution grants American citizenship to "all persons born or naturalized in the United States." Naturalization is the legal process by which a person is granted the right and privileges of a citizen. All immigrants who was abbecome American citizens must go through the naturalization process. Applicants for citizenship must meet five requirements. Applicants must:

• have entered the United States legally

- be of good moral character
- declare their support of the principles of the United States government
- prove they can read, write, and speak English
- show some basic knowledge of American history and government.

There are three ways to lose U.S. citizenship. Expatriation means giving up citizenship by leaving the country to live elsewhere. Individuals convicted of certain federal crimes that involve extreme disloyalty may lose their citizenship. An individual who commits fraud or deception during the naturalization process loses citizenship through denaturalization.

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CHAPTER 14 SUMMARY CONTINUED		•		

THE RIGHTS OF THE ACCUSED

The Bill of Rights protects the rights of individuals accused of a crime. The Fourteenth Amendment incorporates those rights and applies them to state and local government:

- The Fourth Amendment prohibits "unreasonable searches and seizures." The exclusionary rule holds that evidence obtained during an illegal search cannot be used in a criminal trial. In recent years the Supreme Court has allowed exceptions to this principle if its application would defeat the purpose of justice.
- The Fifth Amendment protects individuals from self-incrimination, or giving evidence against

themselves. In 1965 the Supreme Court established the *Miranda* rule which holds that suspects must be clearly informed of their Fifth Amendment rights before police question them.

- The Fifth Amendment also prohibits double jeopardy which means that a person cannot be tried twice for the same crime.
- The Sixth Amendment guarantees a defendant the right to counsel—an attorney.
- The Eighth Amendment prohibits "cruel or unusual punishment." The Court has found that this prohibition applies to capital punishment when it is imposed in apparently arbitrary ways.

EQUAL PROTECTION OF THE LAW

The democratic ideal of equality means that all people have equal rights under the law. The Supreme Court has developed guidelines for determining when a state law violates the principle of equal protection:

- The rational basis test means that the state must show that a classification is "reasonably related" to an acceptable goal of government.
- A classification made on the basis of race or national origin is suspect. To justify it, the state must show a "compelling public interest."
- State laws may not use classifications that violate constitutional rights.

Discrimination exists when individuals are treated unfairly solely because of a classification. Plaintiffs must show intent to prove discrimination. Jim Crow laws, laws requiring racial segregation in public places, are examples of intent. In 1954 the Court ruled that segregation was unconstitutional.

CHALLENGES FOR CIVIL LIBERTIES

Changing ideas, social conditions, and technology have created new civil liberties issues:

- Affirmative action refers to government policies that directly or indirectly give preference to minorities and women in order to make up for past discrimination. Supporters argue that affirmative action is needed to "make the playing field level." Opponents say that it is reverse discrimination. The Supreme Court has upheld some affirmative action plans while striking down others.
- In gender discrimination cases the Supreme Court has set a reasonableness standard for laws.
 Classifications "must rest on some ground of

- difference" that serves "important governmental objectives."
- The Freedom of Information Act requires federal agencies to provide citizens with access to government records on request, except for reasons of national security and confidentiality.
- War and other national emergencies create tension between the need to maintain individual rights and the need to protect the nation's security. For example, the USA Patriot Act strengthened the national government but may pose a threat to civil liberties.

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Guided Reading A	ctivity 14-1 * * * * *	* * * * *
A Nation of Immigr	ants	· • • • • • • • • • • • • • • • • • • •
₩DIRECTIONS Use the information	ation in your textbook to define the fo	ollowing terms:
 -	,	
		· .
	· ·	
C. enemy alien:		
D. refugee:		
E. illegal alien:		
★DIRECTIONS Use the inform	nation in your textbook to complete th	he chart below. Write the
important elements of immigration	policy for each time period in the spa	ice provided.
FOUR	STAGES OF IMMIGRATION P	OLICY
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FOUR STAGES OF INTRIBUTATION POLICE					
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Gı	uided Reading Activity 14-2 * * * * * * * * * * *
he	Basis of Citizenship
	RECTIONS Use the information in your textbook to list three ways in which people become
	itizens. Briefly explain the requirements of each route to citizenship.
• -	
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DI	RECTIONS Use the information in your textbook to complete these sentences.
	To start the naturalization process, an applicant must file a requesting Jnited States citizenship.
. A	Anyone who is at least years old and who has lived in the United States as a
la	awfully admitted resident alien for 30 months of the previous years and
	n the state where the petition is filed for at least months may apply for itizenship.
	f the applicant is married to a United States citizen, he or she needs onlyears of residency before filing.
	The key step in the naturalization process is an and hearing hat the Immigration and Naturalization Service conducts.
	is a process by which members of a whole group of people, living in the sage geographic area, become U.S. citizens through an act of Congress.
. (Only the can both grant citizenship and take it away.
. l	J.S. citizens can lose citizenship through, or giving up one's citizenship eaving the United States to live in a foreign country.

11. A person may lose citizenship when convicted of certain federal crimes that involve extreme disloyalty,

such as ______, participation in a _____, and attempts to over-

throw the government through violent means.

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Guided Reading Activity 14-3



The Rights of the Accused

		se the information i eizure, citing releva	n your textbook to explain what does and does not constitute at court cases.
requ	uirements:		
spe	cial situations:		
the	exclusionary rule:		
higl	n school searches:	,	
*[DIRECTIONS U	se the information i	n your textbook to complete these sentences.
1.	Theagainst himself."	says that	no one "shall be compelled in any criminal case to be a witness
2.	Protection against burden of proof.		rests on a basic legal principle: the government bears the
3.		or other incare a lawyer may not be	criminating statements an accused person makes when he or she used in trial.
4.		ction against self-in	(1966) the Supreme Court ruled that the Fifth crimination requires that suspects be clearly informed of their
5.			(1988) the Court ruled that employees in orced to turn over evidence even if it might be incriminating.
6.	people from contin	means a personual harassment.	on may not be tried twice for the same crime, thus protecting
7.		forbids	"cruel and unusual punishment," the only constitutional s in criminal cases.
8.	punishment was no	ot constitutional bed	(1972) the Supreme Court ruled that capital cause it was being imposed arbitrarily for a wide variety of one and poor people.
9.	Inpenalties unconstit	vv.	(1976) the Court ruled mandatory death
10.	In	h penalty does not c	(1976) the Court ruled that under adequate

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Guided Reading Activity 14-4 *



Equal Protection of the Law

★ [DIRECTIONS Use the information in your textbook to complete the following sentences.
1.	The equal protection clause of the Fourteenth Amendment means that
2.	The rational basis test for determining whether a law violates the equal protection clause means that
3.	In Wisconsin v. Mitchell the Supreme Court
4.	When a state law involves a "suspect classification," the state must show
5.	The fundamental rights of United States citizens are rights that
6.	Discrimination exists when
7.	In Washington v. Davis (1976) in response to a challenge of discrimination, the Supreme Court ruled that
8.	The crucial issue of Washington v. Davis was that
9.	Since the Washington case, an Illinois city zoning ordinance permitted only
0.	When the ordinance in question 9 was challenged, the Supreme Court ruled that it was constitutional because
	· · · · · · · · · · · · · · · · · · ·
	Use the information in your textbook to identify the following:
1.	Plessy v. Ferguson:
2.	Brown v. Board of Education of Topeka:
3.	sit-in:
4.	Dr. Martin Luther King, Jr.:
5	Civil Rights Act of 1964:

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Guided Reading Activity 14-5



Challenges for Civil Liberties

11. The USA Patriot Act of 2001:

DIRECTIONS Use the information in your textbook to explain why the following items are important to issues of civil liberties.

The Reasonableness Standard:
977 Supreme Court Ruling:
The Substantial Interest Standard:
he Civil Rights Act of 1964:
The Equal Opportunity Act of 1972:
The Civil Rights and Women's Equity in Employment Act of 1991:
The Omnibus Education Act of 1972:
The Freedom of Information Act of 1966:

DIRECTIONS Use the information in your textbook to complete the chart which shows the relationship between privacy rights of U.S. citizens and the U.S. government. Cite and briefly explain a court case or government act that clarifies the meaning of each heading.

THE RIGHT TO PRIVACY						
Government privacy	Case or act:					
Citizens' rights to privacy	Case or act:					
Confidentiality of health information	Case or act:					
Confidentiality of credit information	Case or act:					

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Vocabulary Activity **14**



Citizenship and Equal Justice

DIRECTIONS

Select the term that matches each definition below. Write the correct term in the space provided.

jus soli illegal alien private law double jeopardy jus sanguinis expatriation affirmative action self-incrimination rational basis test non-resident alien security classification system separate but equal doctrine

- 1. A person from a foreign country who expects to stay in the United States for a short time
- 2. A person who comes to the United States without a passport, visa, or entry permit ______
- 3. Legislation that applies to a particular person
- 4. A Latin phrase that means "law of the soil"
- 5. A Latin phrase that means "law of blood"
- 6. The giving up of one's original citizenship to live in a foreign country
- 7. The act of giving testimony against oneself in court
- 8. Being tried for the same crime twice
- **9.** The process used by the Court to uphold a state law when the state can show a good reason to justify classification of criminal suspects
- 10. Used to justify segregation in the U.S. in the early twentieth century
- 11. The government policies that directly or indirectly award jobs, government contracts, promotions, admission to schools and training programs, and other benefits to minorities and women in order to make up for past discrimination caused by society as a whole
- **12.** It provides that information on government activities related to national security and foreign policy may be kept secret _____

DIRECTIONS

Use each of the following terms correctly in a complete sentence. Write the sentences on a separate sheet of paper.

amnesty
denaturalization
enemy alien
Jim Crow law

fundamental right
collective naturalization
suspect classification
civil rights movement

naturalization
exclusionary rule
discrimination
resident alien

alien counsel transcript

Reteaching Activity * *

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Citizenship and Equal Justice

DIEGION'S

Fill in the outline below by writing the letter of the items that could belong under each heading in the space provided.

- 1. Noncitizens in America
- II. Politics and Immigration
- III. The Basis of Citizenship

- IV. Citizenship and Responsibility
- V. Protection Under the Law
- VI. Societal Changes and Civil Liberties
- **A.** Acts passed by Congress in 1965, 1986, and 1990 attempted to establish criteria and set numerical limits on individuals entering the country.
- **B.** They are required to pay taxes, obey the law; they cannot vote but usually are not required to perform jury duty or serve in the military.
- **C.** Automatic citizenship is granted to children born of an American parent.
- **D.** The Fifth Amendment ensures that no defendant has to give self-incriminating testimony; suspects must be informed of legal rights; and no one may be tried twice for the same crime.
- **E.** In 1924 the Johnson Act lowered the number of foreigners allowed into the country and instituted a system of national origin quotas.
- **F.** Rights are similar to those of other Americans, including owning homes, attending public schools, and carrying on business.
- **G.** Freedom of Information Act (1966) allows citizens to access public records upon request.
- **H.** Immigrants may become citizens if they apply; are of good moral character; declare support for the government; are literate; and show a basic knowledge of American history.
- **L** Every defendant has the right to counsel.

- J. Citizens need to demonstrate a knowledge of the law and a basic understanding of their legal rights.
- **K.** The Chinese Exclusion Act (1882) restricted the admission of Chinese laborers.
- **L.** Any government-related or government-funded institution must adopt an affirmative action program.
- **M.** Police may not search a home or use electronic surveillance without a warrant; nor may they arrest anyone without just cause.
- **N.** Participation in government can include campaigning for candidates; supporting special interest groups; voicing dissent by writing letters to a newspaper editor.
- **0.** States can no longer arbitrarily make rulings against women, based purely on their gender.
- **P.** Aliens are classified into five different categories: resident alien; nonresident alien; enemy alien; refugees; and illegal alien.
- **Q.** Citizenship belongs to all people born in the United States, except those who are not subject to the jurisdiction of the United States.
- **R.** Citizens should vote in local, state, and national elections.

CHAPTER SUMMARY Activity * *

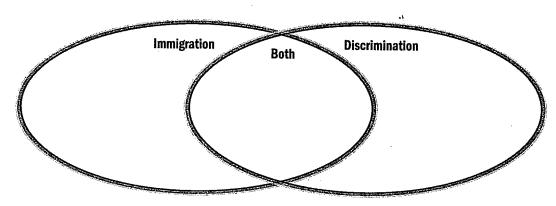


Citizenship and Equal Justice

★DIRECTIONS In the space provided, write the word or phrase that best completes each of the following sentences.

- **1.** _____ aliens expect to stay in the United States for a short, specified period of time.
- 2. _____ is the legal process by which a person is granted the rights and privileges of citizenship.
- **3.** _____ means giving up citizenship to live in another country.
- **4.** The _____ rule holds that evidence obtained illegally cannot be used in a criminal trial.
- **5.** The _____ rule holds that suspects must be clearly informed of their rights before police question them.
- **6.** The ______ Amendment protects individuals from self-incrimination.
- 7. The Eighth Amendment prohibits ______ and _____ punishment.
- **8.** Equal protection under the law means that states cannot use ______ distinctions to classify people.
- refers to government policies that give preference to minorities and women to make up for past discrimination.
- **10.** The ______ of _____ Act grants citizens access to government records upon request.

Organizing Information Examine the following diagram and study the list of concepts associated with immigration and/or discrimination. Write each item in the appropriate space in the diagram.



- residence requirements
- naturalization
- refugee status
- rational basis test
- right to privacy
- fundamental rights
- suspect classification
- affirmative action

Critical Thinking Answer the following question on a separate sheet of paper.

11. Why do you think the principle of double jeopardy does not apply if a trial jury cannot reach a verdict in a case?

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