

January 26-30th History VQ Work

Government

Read and complete Chapter 13-5, 14-1, 14-2, and 14-3 Study Guide Handouts

Read and complete chapter 14 section assessments (1-3) pages 386-405, Government textbook

STUDY GUIDE Chapter 13, Section 5

For use with textbook pages 376–382.

FREEDOM OF ASSEMBLY

KEY TERMS

picketing Patrolling an establishment to persuade workers and the public not to enter it (page 378)

Holocaust The mass extermination of Jews and other groups by the Nazis during World War II (page 379)

heckler's veto Public veto of free speech and assembly rights of unpopular groups by claiming demonstrations will result in violence (page 379)

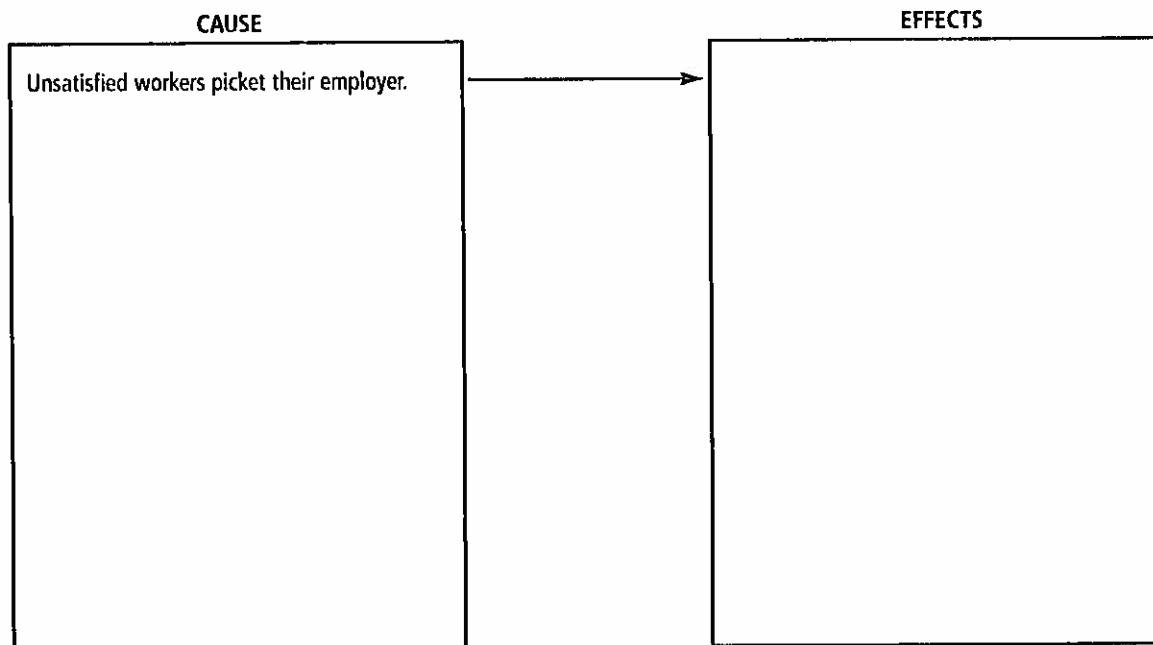
DRAWING FROM EXPERIENCE

Have you taken part in a walkathon? Or signed a petition to save a local wilderness from development? Then you have exercised the freedom of assembly.

This section focuses on the constitutional protections of and the limits on the right to assemble.

ORGANIZING YOUR THOUGHTS

Use the graphic organizer below to help you take notes as you read the summaries that follow. Think about the intended effects of a picket line.



STUDY GUIDE (continued)**Chapter 13, Section 5****READ TO LEARN****Introduction** (page 376)

The First Amendment freedom of assembly applies to meetings in private homes and in public places. It also protects the right to make views known to public officials through petitions, letters, lobbying, carrying signs in parades, and marching.

Protecting Freedom of Assembly (page 376)

Freedom of assembly is closely related to freedom of speech because most gatherings involve some form of protected speech. Political parties and interest groups that influence government would be impossible without freedom of assembly.

In *DeJonge v. Oregon* (1937), the Supreme Court established the following two principles:

- A. The right of assembly was as important as the rights of free speech and free press.
- B. The due process clause of the Fourteenth Amendment protects freedom of assembly from state and local governments.

Freedom of assembly includes the right to parade and demonstrate in public. These forms of assembly may interfere with the rights of others because they usually occur in parks, streets, or on sidewalks. Verbal and physical clashes might occur when the parades and demonstrations advocate unpopular causes. As a result, parades and demonstrations are subject to greater government control than exercises of pure speech and other kinds of assembly.

In *Cox v. New Hampshire* (1941), the Supreme Court upheld a law that required a permit for a parade. The Court ruled that the law was not designed to silence unpopular ideas. Rather, it was intended to ensure that parades would not interfere with other citizens using the streets.

Demonstrations may occur in airports, libraries, courthouses, and schools. However, the Court has set limits. For example, in *Cox v. Louisiana* (1965), the Court upheld a law that banned demonstrations and parades near courthouses if they could interfere with trials. The Court also required that limits on freedom of assembly apply evenly to all groups. For instance, in *Police Department of Chicago v. Mosely* (1972), the Court voided a law that banned demonstrations around schools, except for picketing by labor unions. **Picketing** is patrolling an establishment to persuade workers and the public not to enter it.

The right to assemble does not allow a group to use private property for its own use, even if the property is open to the public. For example, in *Lloyd Corporation v. Tanner* (1972), the Court ruled that a group protesting the Vietnam War did not have the right to gather in a shopping mall. The Court has also upheld laws that create a fixed buffer zone around abortion clinics. These zones are intended to keep anti-abortion demonstrators from blocking the entrances to the clinics.

1. What was decided in *Lloyd Corporation v. Tanner*?

Public Assembly and Disorder (page 378)

People have a right to assemble regardless of the views they hold. However, police have a hard time protecting this right when assemblies threaten public safety. For example, in 1977 the American Nazi

STUDY GUIDE (continued)**Chapter 13, Section 5**

Party announced plans to hold a rally in Skokie, Illinois. The many Jewish residents of Skokie were outraged. Many were survivors of the Holocaust—the mass killing of Jews and other groups by the Nazis during World War II. The city required the Nazis to pay a \$300,000 bond to get a parade permit. The Nazis claimed the high bond interfered with free speech and assembly. A federal appeals court ruled that no community could use parade permits to interfere with free speech and assembly. The Skokie case is an example of the *heckler's veto*. The public vetoes the free speech and assembly rights of unpopular groups by claiming demonstrations will end in violence.

Amid other circumstances, the Supreme Court decides that public safety overrides the right to free speech. In *Feiner v. New York* (1951), the Court upheld the conviction of a man who refused a police order to stop speaking, even though the listeners were angry and threatening violence. The Court argued that the police had acted to keep the peace and not to stop free speech. However, in *Gregory v. City of Chicago* (1969), the Court overturned the convictions of peaceful demonstrators who had been arrested because hecklers were throwing rocks and eggs at them.

2. Why did the Supreme Court uphold the conviction of the speaker in *Feiner v. New York*?

Protection for Labor Picketing (page 380)

Picketing sends a message, so it is a form of speech and assembly. But labor picketing does more. It tries to persuade customers and workers not to deal with a business. In *Thornhill v. Alabama* (1940), the Supreme Court ruled that peaceful picketing was a form of free speech. However, in *Hughes v. Superior Court* (1950), it refused to overturn California's ban on picketing at a supermarket to force it to hire African American workers. According to Justice Felix Frankfurter, the Court ruled this way because picketing "produces consequences different from other modes of communication."

3. How is labor picketing different from other kinds of picketing?

Freedom of Association (page 382)

The right to freely assemble includes the right of individuals to freedom of association. This means the freedom to join a political party, an interest group, or any other organization. However, in 1927 the Court limited the freedom of association by its decision in *Whitney v. California*. It argued that joining the Communist party presented a clear and present danger to the nation because the party promoted the violent takeover of private property. In later cases, however, the Court ruled that only actual preparation for use of force against the government was a just reason for limiting freedom of association.

4. Explain freedom of association.

STUDY GUIDE Chapter 14, Section 1

For use with textbook pages 387–390.

NATION OF IMMIGRANTS

KEY TERMS

- alien** A person who lives in a country where he or she is not a citizen (page 387)
- resident alien** A person from a foreign nation who has established permanent residence in the United States (page 387)
- non-resident alien** A person from a foreign country who expects to stay in the United States for a short, specified period of time (page 387)
- enemy alien** A citizen of a nation with which the United States is at war (page 387)
- illegal alien** A person without legal permission to be in a country (page 387)
- amnesty** A group pardon to individuals for an offense against the government (page 390)
- private law** A law that applies to a particular person (page 390)

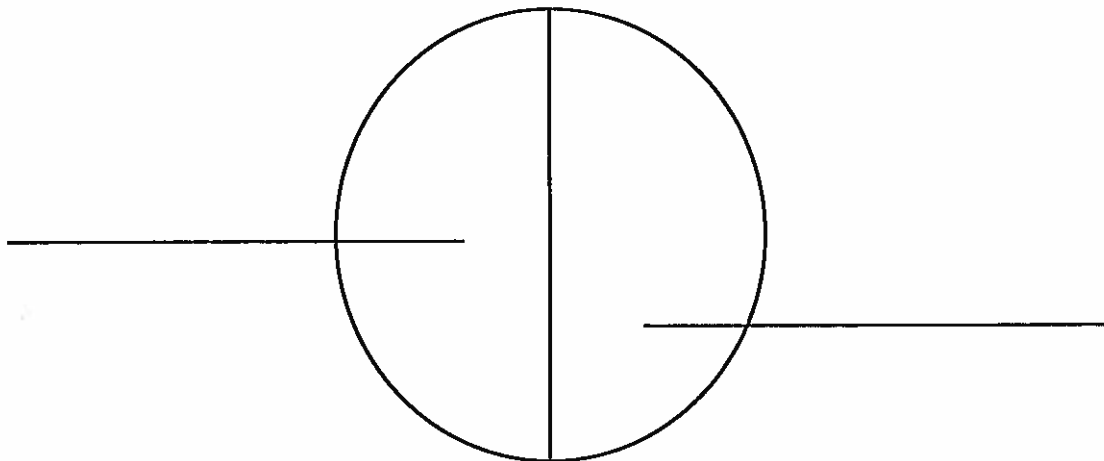
DRAWING FROM EXPERIENCE

Are you the descendant of immigrants? Most likely, you are. Most American families began as immigrants from other countries.

This section focuses on the laws that control immigration.

ORGANIZING YOUR THOUGHTS

Use the diagram below to help you take notes as you read the summaries that follow. Think about the way the Immigration Reform Act of 1965 categorized immigrants to the United States. Then label the diagram.



STUDY GUIDE (continued)**Chapter 14, Section 1****READ TO LEARN****Introduction** (page 387)

An American historian once wrote that “immigrants are American history.”

Immigrants and Aliens (page 387)

An *alien* is a person who lives in a country where he or she is not a citizen. An immigrant is a person who comes to a country intending to live there permanently.

United States law puts aliens into the following categories:

- A. A *resident alien* is a person from a foreign nation who has established permanent residence in the United States. Thus, immigrants are resident aliens until they become American citizens.
- B. A *non-resident alien* is a person from another country who expects to stay in the United States for a short, specified time. An example is a Nigerian reporter who comes to the United States to write about a presidential election.
- C. An *enemy alien* is a citizen of a nation with which the United States is at war.
- D. Refugees are people fleeing to escape persecution or danger in their own countries.
- E. An *illegal alien* is a person who comes to the United States without a legal permit, such as a passport, visa, or entry permit.

The Bill of Rights protects aliens as well as citizens. The Supreme Court has repeatedly struck down state laws that have tried to limit the rights of aliens. For example, in 1982 the Supreme Court ruled that the state of Texas could not deny free public education to the children of illegal aliens. In recent years, debate over whether such rights should be limited has increased because the number of illegal immigrants has grown significantly. Aliens are expected to pay taxes, obey the law, and be loyal to the government. They cannot vote and usually do not have to serve in the military or on juries. Unlike citizens, aliens cannot travel freely in the United States. They must notify the Immigration and Naturalization Service when they change residences.

1. What is the difference between an enemy alien and an illegal alien?

Immigration Policy (page 390)

Congress controls immigration policy, which practically did not exist until 1882. Since 1882, U.S. immigration policy has gone through the following stages:

1882–1924 In 1882 Congress barred the immigration of people such as the mentally handicapped, convicts, and penniless people. That same year Congress passed the Chinese Exclusion Act. It restricted the admission of Chinese laborers and prevented all foreign-born Chinese from becoming citizens. This law marked the first time a federal law had restricted either immigration or citizenship on the basis of nationality or ethnicity. The number of restrictions grew but so did the number of immigrants. Between 1882 and 1924, about 25 million immigrants entered the United States.

STUDY GUIDE (continued)**Chapter 14, Section 1**

1924–1965 In 1924 the Johnson Act lowered the number of immigrants allowed into the country to less than 165,000 a year. This was 80 percent less than in the years before World War I. The law started the national origins system which favored immigrants from northern and western nations, such as England and Ireland, over those from southern European nations, such as Italy and Greece.

Immigration Reform Act of 1965 This legislation got rid of the national origins system. It set up the following classes of citizens:

- A. Those who could come from Europe, Asia, and Africa
 - B. Those who could come from Canada, Mexico, and the nations of Central and South America
- Congress fixed the number of immigrants from Western Hemisphere countries at 120,000 per year and the number from other countries at 170,000 per year. The law also set up preference categories of immigrants, such as immigrants with skills.

Immigration Reform and Control Act of 1986 The major provisions of this law are:

- A. Illegal aliens who have resided in the United States since before 1982 can apply for amnesty. This is a general pardon offered by the government. Then they can eventually become permanent residents.
- B. Aliens may apply for United States citizenship after five years of permanent American residence.
- C. Employers are forbidden to hire illegal aliens.
- D. Employers must ask applicants for documents such as passports or birth certificates to prove they are either citizens or otherwise qualified to work in the United States.

Immigration Act of 1990 This act reintroduced the countries of origin system. Only up to 7 percent of all visas granted could go to one country. It permitted about 675,000 immigrants per year and encouraged immigration of workers with special skills. The law also established a category for special immigrants, who fall into three groups:

- A. Refugees displaced by war
- B. Close relatives of United States citizens
- C. Those admitted through private laws passed by Congress. A **private law** is one that applies to a particular person.

Immigration legislation of 1996 This legislation addressed illegal immigration by:

- A. establishing stiffer penalties for people who created false citizen papers or smuggled illegal workers into the United States;
- B. barring people without proper documentation from most public welfare programs; and,
- C. enlarging the border patrol.

2. Under which law—the Johnson Act or the Immigration Act of 1990—could more Irish, English, and French immigrants be allowed into the country per year? Explain your answer.

STUDY GUIDE Chapter 14, Section 2

For use with textbook pages 391–397.

THE BASIS OF CITIZENSHIP

KEY TERMS

naturalization The legal process by which a person is granted citizenship (page 392)

jus soli (YOOS SOH•LEE) Latin phrase meaning “law of the soil”; the principle that grants citizenship to nearly all people born in a country (page 393)

jus sanguinis (YOOS SAHN•gwuh•nuhs) Latin phrase meaning “law of blood”; the principle that grants citizenship on the basis of the citizenship of one’s parents (page 393)

collective naturalization A process by which a group of people become U.S. citizens through an act of Congress (page 394)

expatriation Giving up one’s citizenship by leaving to live in a foreign country (page 395)

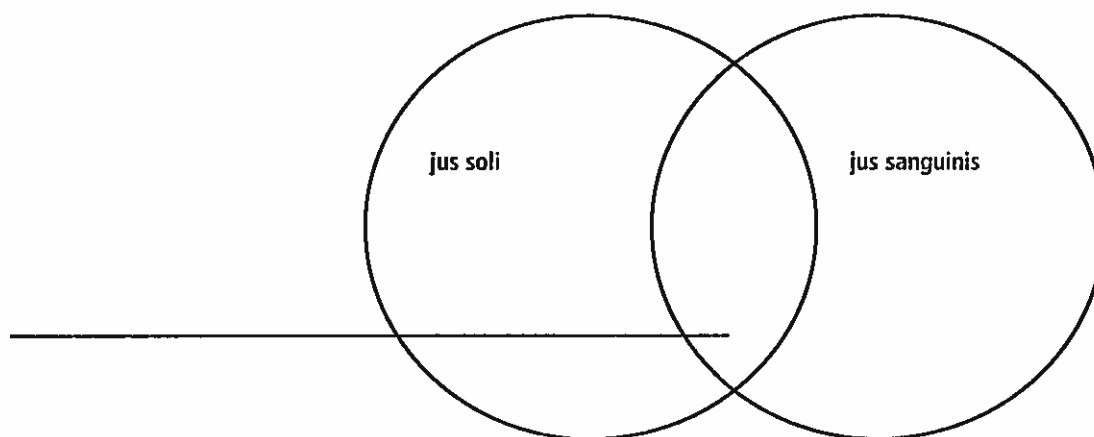
denaturalization The loss of citizenship through fraud or deception during the naturalization process (page 396)

DRAWING FROM EXPERIENCE

How did you become a citizen? Most American citizens, but not all, were born in the United States. This section focuses on the different sources of U.S. citizenship.

ORGANIZING YOUR THOUGHTS

Use the Venn diagram below to help you take notes as you read the summaries that follow. Think about the cases when jus soli and jus sanguinis overlap. Then write an explanation of the intersection in the diagram.



STUDY GUIDE (continued)**Chapter 14, Section 2****READ TO LEARN****Introduction** (page 391)

The members of a nation are called citizens. United States citizens have duties and responsibilities. Their duties include obeying the law, paying taxes, and being loyal to the American government. The responsibilities are being informed, voting, respecting the rights and property of others, and respecting different opinions and ways of life.

National Citizenship (page 391)

The nation's Founders left the job of deciding who was a citizen to the states. The exceptions were African Americans and immigrants who became citizens through *naturalization*. This is the legal process by which a person is granted the rights and privileges of a citizen.

In *Dred Scott v. Sandford* (1857), the Supreme Court decided that African Americans could not be citizens. Only descendants of people who were state citizens at the time the Constitution was written, or immigrants who became citizens through naturalization, were United States citizens.

In 1868 the Fourteenth Amendment overturned the *Dred Scott* decision. The amendment guaranteed that people of all races born in the United States and subject to its government are citizens. State citizenship became an automatic result of national citizenship.

1. What is the definition of citizenship that the Fourteenth Amendment established?

Citizenship by Birth (page 393)

The two sources of citizenship by birth are:

Jus Soli This is a Latin phrase that means "law of the soil." This principle grants citizenship to nearly all people born in the United States. However, people born in the United States who are not subject to the jurisdiction of the United States government are not granted citizenship. For example, a foreign diplomat's child who is born in the United States is not an American citizen.

Jus Sanguinis This Latin phrase means "law of blood." It grants citizenship to people born of American parents. However, the rules of jus sanguinis make these exceptions:

- A. If an individual is born in a foreign country and both parents are United States citizens, the child is a citizen provided one of the parents has been a legal resident of the United States or its possessions at some time.
- B. If only one of the parents is a U.S. citizen, that parent must have lived in the United States or one of its possessions for at least 5 years, 2 of which had to occur after age 14.

2. Explain the basic idea of jus soli.

STUDY GUIDE (continued)

Chapter 14, Section 2

☐ Citizenship by Naturalization (page 393)

All immigrants who wish to become citizens must go through naturalization. Immigrants need the following qualifications to apply:

- A. Applicants must have entered the United States legally.
 - B. They must be of good moral character.
 - C. They must declare their support of the principles of American government.
 - D. They must prove they can read, write, and speak English. However, applicants over 50 who have lived in the United States more than 20 years do not have to meet the English-language requirement.
 - E. They must show some basic knowledge of American history and government.
3. Briefly sum up the qualifications needed for naturalization.

☐ The Steps to Citizenship (page 394)

The naturalization process requires the following steps:

- A. An applicant must file a petition requesting citizenship. Anyone who is at least 18 years old and who has lived in the United States for 30 months out of the previous 5 years and in the state from which the petition is filed for at least 3 months may apply for citizenship. The wife or husband of an American citizen needs to live in the United States only 3 years before applying.
- B. The Immigration and Naturalization Service conducts an investigation and holds a preliminary hearing. The hearing is a test of the applicant's qualifications.
- C. An applicant who makes it through the first hearing must attend a final hearing. There a judge administers the United States oath of allegiance. Then the judge issues a certificate of naturalization that declares the person a citizen of the United States.

A less common process is **collective naturalization**. In this process, a group of people living in the same area become American citizens through an act of Congress. For example, Congress granted citizenship to all people living in Hawaii in 1900. In another exception to regular naturalization, Congress made all Native Americans citizens in 1924. Congress also does away with naturalization requirements in special cases, such as that of a 99-year-old Russian immigrant who wanted to die a U.S. citizen.

4. What is the third step in the naturalization process?

STUDY GUIDE (continued) Chapter 14, Section 2

❑ Losing Citizenship (page 395)

Only the federal government can both grant citizenship and take it away. The three ways to lose citizenship are:

Expatriation The simplest way to lose citizenship is through *expatriation*. This is the voluntary or involuntary giving up of one's native country to live in a foreign one. A person who becomes a naturalized citizen of another country voluntarily gives up his or her citizenship. A child of expatriates involuntarily loses his or her citizenship.

Punishment for a Crime A person may lose citizenship when convicted of certain federal crimes, such as treason, taking part in a rebellion, or trying to overthrow the government through violence.

Denaturalization The loss of citizenship through fraud or deception during the naturalization process is called *denaturalization*. This could also occur if an individual joins a Communist or totalitarian organization less than five years after becoming a citizen.

5. Describe voluntary expatriation.

❑ The Responsibilities of Citizens (page 396)

Enjoying one's rights as a citizen depends on accepting the following responsibilities:

- A. Learning about rights and laws at school or from legal aid societies, consumer protection groups, or other organizations
- B. Participating in political life by campaigning for a candidate, distributing leaflets for a political party, or working at the polls on election day
- C. Voting helps Americans to share responsibility for how their society is governed.

6. How does a citizen help to assure his or her rights by voting?
