

Timeline



1215

English barons force King John to sign the Magna Carta (Great Charter) to guarantee their rights and privileges and to acknowledge that the monarch's power is not absolute.

1636

Banished from Massachusetts Bay Colony, Roger Williams founds Rhode Island, the only colony to embrace complete religious freedom as a matter of law.

1641

The Massachusetts General Court drafts the Massachusetts Body of Liberties, the first bill of rights in American history. It includes the promise of a speedy trial and equal justice, protection against double jeopardy, and a prohibition against torture, among other rights.

1679

In England, the Habeas Corpus Act reinforces the power of courts to issue a writ of habeas corpus, which protects individuals against arbitrary detention by the state.

1682

The Pennsylvania Charter of Liberties and Frame of Government protect the rights of colonists from government interference. Other colonies also adopt this practice of committing customary rights and privileges into written protections.

1688–89

In England, during the Glorious Revolution, Parliament forces the Catholic James II to abdicate his throne in favor of the Protestant William and Mary. The new king and queen agree to the provisions in a written bill of rights, which shifts power from the monarch to the Parliament and extends rights—such as the right of petition, a limited form of free speech, and a prohibition against excessive fines—to the English population as a whole, including the colonists.

1776

On July 4, the Continental Congress adopts the final draft of the Declaration of Independence.

The Virginia Convention of Delegates adopts the Virginia Declaration of Rights, the first written listing of rights of citizens in the United States. It serves as the model for other state declarations of rights as well as the federal Bill of Rights.

1786

The Virginia Statute for Religious Freedom guarantees that “all men shall be free to profess, and by argument to maintain, their opinion in matters of religion” and ensures that the state will not support any religion. It becomes a model for the religion clause of the First Amendment.

1787

The Constitutional Convention meets in Philadelphia, signs the new U.S. Constitution into law, and sends it to the states for final approval.

1789

The U.S. Congress approves the Bill of Rights, the first ten amendments to the Constitution. The Judiciary Act empowers all federal courts “to grant writs of habeas corpus for the purpose of an inquiry into the cause of commitment.”

1798

The Sedition Act makes it a crime to criticize the government.

1833

In *Barron v. Baltimore*, the Supreme Court rules that the Bill of Rights restrains only the federal government and not the individual states.

1837

In *Charles River Bridge v. Warren Bridge*, a case concerning competing bridge companies and their contract rights, the Supreme Court rules that states can regulate property in the public interest. The Court refuses to interpret a previous grant by the Massachusetts legislature as conferring a monopoly to the Charles River Bridge Company, thereby spurring free enterprise.

1848

At the Seneca Falls Convention in New York, women's rights advocates issue the Declaration of Sentiments, Grievances, and Resolutions, which calls for voting rights and property rights for women.

1857

The Supreme Court rules in *Scott v. Sandford* that no black person, slave or free, can be a citizen of the United States and upholds the slaveholder's right to own another person.

1863

President Abraham Lincoln issues the Emancipation Proclamation, which outlaws slavery in regions not under Union control.

1865

The Thirteenth Amendment, abolishing slavery, is ratified.

1866

In *Ex Parte Milligan*, the Supreme Court upholds the right of citizens to due process of law, even in times of war.

1868

The Fourteenth Amendment, granting blacks citizenship and guaranteeing their equality, is ratified. It provides for all citizens the “equal protection of the laws” and “due process of law.”

1870

The Fifteenth Amendment, granting black males the right to vote, is ratified.

1873

The Comstock Act outlaws obscene and immoral materials from the U.S. mails.

1875

Congress passes the Civil Rights Act, prohibiting discrimination in public accommodations and enforcing the “equal protection of the laws” clause of the Fourteenth Amendment.

1883

The Supreme Court rules in the Civil Rights Cases that the Fourteenth Amendment bans the violation of individual rights only by government, not privately owned facilities. It rules that the Civil Rights Act of 1875 is unconstitutional because it tries to regulate the private behavior of individuals in regard to racial discrimination.

1886

In *Yick Wo v. Hopkins*, the Supreme Court overturns a discriminatory San Francisco law that had tried to restrict Chinese laundries in violation of the Fourteenth Amendment’s guarantee of equal protection of the laws.

1896

In *Plessy v. Ferguson*, the Supreme Court rules that state-mandated racial segregation of railroad cars does not violate the equal protection clause of the Fourteenth Amendment. The “separate but equal” doctrine established with

this case justifies segregation for the coming decades.

1908

In *Twining v. New Jersey*, the Supreme Court rules that the Fifth Amendment’s right against self-incrimination cannot be applied to state governments under the due process clause of the Fourteenth Amendment. Even so, this case opens the way for selective incorporation of the Bill of the Rights, on a case-by-case basis, under the Fourteenth Amendment.

1914

In *Weeks v. United States*, the Supreme Court rules that evidence obtained in violation of a person’s constitutional rights must be excluded from federal trials.

1919

The Supreme Court puts limits on free speech with its decision in *Schenck v. United States* and establishes the “clear and present danger test”: when speech or written words create an immediate threat, government can constrain such speech.

1920

The American Civil Liberties Union is founded to protect constitutional rights. The Nineteenth Amendment grants women the right to vote.

1925

The Supreme Court rules, for the first time, in *Gitlow v. New York* that the freedoms of speech and press “are among the fundamental personal rights protected by the due process clause of the Fourteenth Amendment from impairment by the states.” This case is a foundation for the Supreme Court’s incorporation doctrine.

1929

The Great Depression begins and lasts through most of the 1930s.

1931

In *Near v. Minnesota*, the Supreme Court invalidates a permanent injunction against a newspaper publisher and concludes that the First Amendment prohibits prior restraints of the press.

1932

In *Powell v. Alabama*, the Supreme Court rules that the right to counsel is an essential part of due process for poor defendants whenever lack of counsel would result in an unfair trial. This decision overturns the convictions of nine black youths who had been accused of raping two white women because the defendants, too poor to hire a lawyer,

had not received adequate legal assistance.

1934

The National Firearms Act, the first federal gun control law, requires registration, police permission, and taxes on certain weapons.

1937

In *DeJonge v. Oregon*, the Supreme Court reverses the conviction of an individual for participating in a Communist party meeting and upholds the First Amendment's right to assemble peacefully.

1939

In *United States v. Miller*, the Supreme Court affirms the right of citizens to own weapons suitable for use in a militia, but it rules that the firearm in dispute in this case, a sawed-off shotgun, is not a military weapon and can be controlled without violating the Second Amendment's guarantee of the right to bear arms.

1940

In *Cantwell v. Connecticut*, the Supreme Court holds for the first time that the due process clause of the Fourteenth Amendment makes the free exercise clause of the First Amendment applicable to the states.

The Supreme Court rules in *Minersville School District v. Gobitis* that a school board can require a student to salute the U.S. flag even if it violates that student's religious beliefs.

1941

The United States enters World War II after the Japanese bomb Pearl Harbor in Hawaii.

1943

The Supreme Court overturns its *Minersville* decision in *West Virginia State Board of Education v. Barnette*. The Court rules that the First Amendment protects freedom of religion from state interference.

1947

In *Everson v. Board of Education*, the Supreme Court holds that the due process clause of the Fourteenth Amendment makes the First Amendment's principle of separation of church and state applicable to the states.

In *Francis v. Resweber*, the Supreme Court rules that a convicted murderer whose execution by electric chair failed to kill him could be electrocuted again. The Court decides that repeated attempts at execution do not violate

the Eighth Amendment's ban on cruel and unusual punishments.

1954

In *Brown v. Board of Education*, the Supreme Court rejects racial segregation in schools and rules that the doctrine of "separate but equal" is unconstitutional.

1961

In *Mapp v. Ohio*, the Supreme Court overturns the conviction of a woman because police had searched her house without a warrant and found evidence they later used against her. The Court rules, for the first time, that the Fourth Amendment's guarantee against unreasonable searches applies to the state governments as well as the federal.

1962

In *Engel v. Vitale*, the Supreme Court rules against school prayer and upholds a strict separation of church and state, as established in the First Amendment.

1963

In *Gideon v. Wainwright*, the Supreme Court rules that in all criminal cases, defendants who are too poor to afford a lawyer must be provided with an attorney as part of their due process rights.

1964

In *Escobedo v. Illinois*, the Supreme Court extends the Sixth Amendment's right to counsel to include police interrogations as well as trials.

In *New York Times Co. v. Sullivan*, the Supreme Court overturns a libel judgment against the Times and rules that public officials may not recover damages unless a false statement was made with actual malice.

Congress passes the Civil Rights Act, banning discrimination on the basis of race, color, or national origin.

1965

Congress passes the Voting Rights Act, prohibiting discrimination in voting on the basis of race, color, or national origin.

In *Griswold v. Connecticut*, the Supreme Court strikes down a Connecticut law banning the use of drugs, materials, or instruments to prevent contraception. The Court rules that this law is an unconstitutional invasion of an individual's right to privacy, which is not mentioned specifically in the Constitution but is an implied right.

1966

In *Miranda v. Arizona*, the Supreme Court rules that police officers are required to inform suspects of their rights, such as the right to remain silent and the right to consult a lawyer, as part of the Fifth Amendment's guarantee that no person shall be compelled to be a witness against himself.

In *Sheppard v. Maxwell*, the Supreme Court reverses a murder conviction because hostile news coverage and publicity surrounding the trial prejudiced the jury and made a fair trial impossible. The Court rules that this trial failed to meet the constitutional standard of a trial by an impartial jury.

1967

In *In re Gault*, the Supreme Court establishes that juvenile defendants have certain rights, such as the right to legal counsel, that cannot be taken away because of age.

In *Loving v. Virginia*, the Supreme Court strikes down a state law that prohibits interracial marriage as a violation of the Fourteenth Amendment's guarantee of equality.

1968

The Gun Control Act is the first federal law to seriously affect the right of Americans to buy and own firearms. The act limits the purchase of guns through the mails, restricts the importation of surplus military weapons, and prohibits convicted felons from owning guns.

1969

In *Tinker v. Des Moines Independent School District*, the Supreme court rules that the suspension of students for wearing black armbands to protest the Vietnam War violates the students' First Amendment rights to freedom of speech.

In *Brandenburg v. Ohio*, the Supreme Court expands the scope of political free speech and strikes down an Ohio law prohibiting speech that advocates violence as a means of political reform. The Court rules that political speech can be limited only if it can be proved that such speech is likely to incite immediate lawless action.

In *Benton v. Maryland*, the Supreme Court rules that the Fifth Amendment's protection against double jeopardy is applicable to state governments through the due process clause of the Fourteenth Amendment.

1971

In *New York Times Co. v. United States*, the Supreme Court rules that newspapers are free from prepublication restraints (prior restraint), even during wartime, and allows the Times to continue publishing the Pentagon Papers, which included classified information about policies in the Vietnam War.

In *Lemon v. Kurtzman*, the Supreme Court uses a three-part test to determine whether a governmental action violates the First Amendment's prohibition against an establishment of religion. To pass the test, the action must have a secular purpose, its primary effect must neither advance nor inhibit religion, and there must be no excessive government entanglement with religion.

1972

In *Furman v. Georgia*, the Supreme Court decides that executions as practiced are unconstitutional because the judge and jury lack specific guidelines to ensure fairness in sentencing.

1973

In *Roe v. Wade*, the Supreme Court guarantees a woman's right to have an abortion as part of her right to privacy.

1976

In *Gregg v. Georgia*, the Supreme Court upholds statutes that guide the judge and jury when imposing the death penalty, which the Court does not find to be unconstitutional.

1978

In *Regents of the University of California v. Bakke*, the Supreme Court rules in favor of a white student who had been denied admission to medical school so that a quota of black students could be admitted as part of an affirmative action program. The decision, while outlawing racial quotas, did allow that race could be considered in making admissions decisions.

1989

In *Texas v. Johnson*, the Supreme Court upholds flag burning as protected speech under the First Amendment.

1990

The American with Disabilities Act establishes legal rights for physically and mentally handicapped citizens.

1991

The Civil Rights Act is passed in response to several Supreme Court decisions that had limited employees' rights to sue in cases of discrimination and allows individuals to collect damages from those who deny their rights.

1992

In *Planned Parenthood of Southeastern Pennsylvania v. Casey*, the Supreme Court retreats from its position in *Roe v. Wade* and allows some restrictions on a woman's right to choose an abortion, provided the government does not unduly burden or interfere with her ability to get an abortion.

1993

In *Church of the Lukumi Babalu Aye v. City of Hialeah*, the Supreme Court upholds the right of believers in a folk religion to practice animal sacrifice, as part of their First Amendment right to free exercise of religion, in defiance of public health laws.

1995

In *Rosenberger v. University of Virginia*, the Supreme Court rules that the First Amendment's establishment clause does not prohibit a school from supporting religious publications, as long as the distribution of funds is evenhanded.

2001

In response to the terrorist attacks of September 11, 2001, Congress passes the USA PATRIOT Act. The legislation expands government's authority to monitor phone calls, search homes and offices, and obtain business records, among other things, in an attempt to prevent future terrorist attacks.

2005

In *Kelo v. City of New London*, the Supreme Court upholds the Connecticut city's right to use eminent domain to support its economic development strategy. The decision to allow private developers, working for the government, to take personal property causes a backlash and state legislatures pass new laws to protect homeowners.

2006

The Senate fails by one vote to pass the Flag Protection Amendment.