MS CONSTITUTION 101

Module 5: The Bill of Rights 5.8: Incorporation Timeline



INCORPORATION TIMELINE

1) 1791 Bill of Rights is ratified.

The Bill of Rights included protections for freedom of speech, freedom of religion, the protection against unreasonable searches, and many more rights.

2) 1833

Barron v. Baltimore is decided.

The Supreme Court made it clear in this case that the protections offered by the Bill of Rights only applied to the federal government.

3) 1861-1865 The Civil War The fight between the states and its resolution changed how Americans thought about the country and citizenship. Prior to the Civil War, many Northern politicians criticized the South for violating core rights like free speech, a free press, the freedom to assemble, the right to petition, and religious liberty in Southern efforts to suppress abolitionist speaking, writing, preaching, and meeting prior to the Civil War. The critiques continued during and after the Civil War.

MS CONSTITUTION 101

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The Supreme Court ruled to limit the 14th Amendment's reach, rejecting an early effort to apply the 14th Amendment to abuses within the states and reading the Privileges or Immunities Clause narrowly.

5) 1925 Gitlow v. New York is decided.

In this decision, the Supreme Court used the 14th Amendment to apply the First Amendment's protection of the freedom of speech/press to a violation within a state.

6) 1940 Cantwell v. Connecticut is decided.

The Supreme Court ruled that the 14th Amendment meant that the First Amendment right to free exercise of religion applied to the states.

7) 1947

Everson v. Board of Education is decided

The Supreme Court ruled that the 14th Amendment meant that the First Amendment's Establishment Clause applied to the states.

MS CONSTITUTION 101

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8) 1960s

The Supreme Court decides multiple landmark civil liberties cases.

Over the course of the 1960s, the Supreme Court continued to make rulings that used the 14th Amendment to apply many of the remaining protections to the states. These included the right to a lawyer and the right to a jury trial. The Supreme Court also begins to read those protections more broadly than ever before.

9) 2010

McDonald v. City of Chicago is decided.

The Supreme Court used the 14th Amendment to apply the Second Amendment right to keep and bear arms to the states.

10) 2020

Ramos v. Louisiana is decided.

The Supreme Court used the 14th Amendment to apply the right to a unanimous jury verdict to the states.

11) Today

Virtually *all* of the Bill of Rights protections apply equally against abuses by state and local government. There are only a few rights that the Supreme Court still hasn't applied to the states: the Third Amendment (quartering of troops), the Fifth Amendment (grand jury right), and the Seventh Amendment (civil jury right).