

The Bill of Rights

Critics felt the Constitution was not clear enough in protecting individual rights and liberties (especially the anti-federalists). In September 1789, James Madison proposed twelve amendments geared to do this. The TEN that were passed are known as the Bill of Rights.

I. FREEDOM OF RELIGION, SPEECH, PRESS; RIGHTS TO ASSEMBLY AND PETITION

- Basic civil rights that allow citizens to influence the government peaceably
- Freedom of Religion: no established state religion
- Freedom of Speech/Press: People are free to question the government, express themselves, and exchange information without fear of harm or arrest
 - Limits:
 - Slander _____
 - Libel _____
- Right to Assembly: People can hold meetings to discuss public issues
- Right to Petition Government: People can ask the government to correct a wrongful situation

II. RIGHT TO BEAR ARMS

- Private Citizens and citizens serving in the militias have the right to be “armed” to protect them.
- However, the courts have generally ruled that the government can pass laws to control the possession of weapons. i.e. private citizens cannot own machine guns
- Federal and State laws determine who can be licensed to own firearms

III. KEEPING TROOPS IN PRIVATE HOMES

- Prevented the problems that resulted from the Quartering Act.
- In National Emergencies, however, the government can pass special laws to order the temporary housing of troops

IV. SEARCH AND SEIZURE

- Protects the right to privacy; law officers must follow strict guidelines before they can violate a citizen’s privacy
 - To search a private home, a judge must issue a **search warrant** _____
-

- To get a search warrant, the officers must show **probable cause** _____

- The search warrant must be very specific and describe the place to be searched and what is being searched for. Courts have ruled that illegal items found during an unauthorized search cannot be used as evidence during a trial.

V. RIGHTS OF PERSONS ACCUSED OF A CRIME

- “Pleading the Fifth” – Refusing to testify against yourself
- No one can be tried for a major crime unless they are indicted, or charged, by a **grand jury** _____

- Citizens are protected from **double jeopardy** _____

- No one can be imprisoned, executed, or have property taken without **due process** _____

- Limits **Eminent Domain** _____

VI. RIGHT TO A FAIR AND SPEEDY TRIAL

- The accused will not have to wait long for a hearing (in England, people accused of crimes were held for years sometimes without ever standing trial).
- Trial Fairness (see the Miranda Warning)
 - The jury must sear to be objective and fair when weighing the evidence
 - The accused must be told the exact charges to they can prepare defense
 - The trial cannot be secret; the results must be public
 - The accused must be present and have a chance to question witnesses
 - The accused has the right to be represented by a lawyer

VII. TRIAL BY JURY IN CIVIL CASES

- In a civil suit involving more than twenty dollars the defendant has the right to a jury trial

VIII. BAIL AND PUNISHMENT

- The court will decide that an accused person who is awaiting trial can be released from jail if he or she pays **bail** _____

- Bail and fines used as punishment must fit the crime
- Punishments cannot be cruel or unusual (i.e. a shoplifter won't be given the death penalty)

IX. POWERS RESERVED TO THE PEOPLE

- The framers realized they could not list all the rights of citizens. This amendment was included to make it clear that the "listed" rights were not the people's only rights.

X. POWERS RESERVED TO THE STATES

- Aims to make the state's relationship to the federal system clear
- All powers not specifically given to the federal government or specifically forbidden to the states are guaranteed to the states or the people

.....

Individual Research

- Research the Supreme Court Case *Miranda v Arizona*. What are the details of the case? How does it affect our lives today? Did you know about this case in any way before the lesson today? How does it relate to the Bill of Rights?
- Research the Supreme Court Case *Brown v Board of Education of Topeka*. What are the details of this case? How does it relate to the Bill of Rights? What does the phrase "separate but equal" mean in relation to this case? How did this ruling improve education?
- What does it mean when people call it a "Living Constitution"?

Questions to consider....

- (1) Who has jurisdiction over trade/regulates trade on the Mississippi River, which flows through several states?
- (2) Who is responsible for education in the states?
- (3) Did you know that today, more women vote than men? Why do you think this is?