

The Bill of Rights



Introduction

- The Bill of Rights was ratified in 1791
- It includes the first 10 Amendments to the Constitution
- It protects American's basic freedoms against the power of the Federal Government
- James Madison is the primary author
- Most Supreme Court Cases deal with the conflict between "Individual Liberty" and "Majority Rule"

1st Amendment - Freedoms



Congress shall make no law respecting an establishment of religion...or abridging the freedom of speech, or if the press; or the right to peaceably assemble, and to petition the government

1st Amendment - Freedoms



- Also known as “civil liberties”
- Five Freedoms
 - Speech
 - Press
 - Religion
 - Peaceably Assemble
 - Petition the Government

2nd Amendment - Arms



A well regulated
Militia, being
necessary to the
security of a free state,
the right of the people
to keep and bear
Arms shall not be
infringed

2nd Amendment - Arms



- Grants the right to create a militia
- Grants the right to bear arms

3rd Amendment - Troops



No soldier
shall...be
quartered in any
house without
the consent of the
owner

3rd Amendment - Troops



- Grants right to privacy in your home
- Originally in reference to “quartering” of troops

4th Amendment

Search and Seizure



The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search and seizure...

4th Amendment

Search and Seizure



- Protects against illegal search and seizure
- Enforcement agencies must have a warrant

5th Amendment Accused Persons



...nor shall any person be subject for the same offense to be twice put in jeopardy...nor shall be compelled in any criminal case to be witness against himself....

5th Amendment Accused Persons



- Protects the rights of persons accused of committing a crime
- Protects against:
 - Double Jeopardy
 - Self Incrimination
“Pleading the 5th”

6th Amendment - Speedy Trial



In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury...

6th Amendment - Speedy Trial



- Ensures that fair and public trial is held in a timely fashion
- Accused must be provided legal counsel

7th Amendment - Jury Trial



In suits at common law, where the value in controversy shall exceed \$20, the right of trial by jury shall be preserved...

7th Amendment - Jury Trial



- Protects the rights to a trial by jury when the value in controversy exceeds \$20

8th Amendment

Bail and Punishment



Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted

8th Amendment

Bail and Punishment



- Ensures that both bail and punishments “fit the crime”
- Protects against “cruel and unusual punishments”

9th Amendment - People



The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people

9th Amendment - People



- Creates the idea that the rights of the people are not limited by that which is written in the Constitution

10th Amendment - States



The powers delegated to the United States Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

10th Amendment - States



- Protects states rights against the federal government
- Says that the states retain all powers except those listed by the constitution

Yo Momma is so Fat!
How Fat is she?
She is FATS AS JBPS!

- **F**reedoms
- **A**rms
- **T**roops
- **S**earch and Seizure
- **A**ccused Person
- **S**peedy Trial
- **J**ury Trial
- **B**ail and Punishment
- **P**eople
- **S**tates

Bill of Rights Cases

- Read through the following cases.
- Determine whether or not the Bill of Rights supports these rights.
- Select which Amendments address each situation.
- Be able to explain your answer.

Case #1

- Neighbors are complaining that a husband and wife down the street are selling drugs out of their garage.
- Police raid the home, kicking in the front door, searching through closets, cars and personal items.
- The husband and wife ask for a warrant, but the police have none.
 - WAS THE ACTION OF THE POLICE CONSTITUTIONAL?

Case #1 - Ruling

- No, the actions of the police were not constitutional
- Why not?
 - 4th Amendment protects against “Search and Seizure”
 - Guarantees rights to privacy in the home

Case #2

- The National Rifle Association (NRA) is one of the most powerful lobbying organizations in the country.
- The NRA argues that citizens have a right to own guns.
- On the other hand, supporters of gun control argue the right to control gun ownership.
 - WHO IS RIGHT ACCORDING TO THE CONSTITUTION?

Case #2 - Ruling

- The NRA and the right to “bear arms” is protected under the constitution
- Why?
 - 2nd Amendment grants the right to create a militia and the right to bear arms
- Where do you think this right originated from?

Case #3

- Members of an openly racist organization have been passing out fliers to people advertising a meeting for people interested in joining a supremacy movement.
- CAN THIS ORGANIZATION DO THIS UNDER THE CONSTITUTION?

Case #3 - Ruling

- The organization is exercising its Freedom of Press and to Peaceably Assemble
- Why?
 - Basic Freedoms are protected under the 1st Amendment Rights
- 1st Amendment Rights often the mostly hotly debated because exercising those rights often infringes upon others.

Case #4

- You come home from school to discover five U.S. soldiers sitting in your living room.
- They are eating your food and explain that they will be living with you until the War on Terror is over.
- Your family must support these soldiers while they guard the Naval Weapons Station.
- CAN THE ARMY FORCE YOU TO QUARTER THESE SOLDIERS?

Case #4 - Ruling

- According to the Constitution you cannot be forced by the government or military to quarter military troops.
- Why?
 - 3rd Amendment protects right to privacy against Quartering troops.
 - Created in response to British soldiers being forced upon colonists during the French-Indian War

Case #5

- During World War II, President Roosevelt signed an order forcing 100,000 Japanese American men, women and children into prison camps for fear that they were spies.
- They lost their homes and businesses.
- None of the 100,000 were allowed to see a lawyer or to go to court to prove their innocence.
- ACCORDING TO THE BILL OF RIGHTS, WERE THEIR CIVIL RIGHTS VIOLATED?

Case #5 - Ruling

- As American citizens these peoples rights were taken away.
- Why?
 - The 6th Amendment grants rights to a speedy trial as well as the right to counsel.
 - You cannot be held in prison without a formal charge, trial and the right to see an attorney.

Case #6

- The state of California places a proposition on the ballot to legalize gambling.
- Angry groups of protesters rally against the possible downfalls associated with gambling, hoping to remove the proposition from the ballot.
- CAN CALIFORNIA VOTE TO LEGALIZE GAMBLING?

Case #6 - Ruling

- Yes, California can vote to legalize gambling.
- Why?
 - The 10th Amendment grants states the rights to create laws that are not explicitly stated under the Constitution.
 - So as long as the Constitution does not outlaw gambling (or other items) it is up to the states to decide.