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The Bill of Rights Guided Notes

The United States Constitution
Amendments 1-10

What is the main purpose of the first 10 amendments of the Constitution?

Outline our rights & responsibilities as American citizens
& guarantees personal liberties

Amendment I (1)

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Freedom of Religion/Establishment Clause

Separation of Church & State

- * Establishment Clause → government can't make a law concerning religion
- ↳ Freedom from religion being imposed by government
- Free exercise clause → freedom to express religion

Freedom of Speech/Expression (and limitations)

Limitation:

- obscenity
- libel or slander
- Clear & Present danger → yelling "Fire"
- Fighting words
- time, place, & manner (School!!) → Example Court case: Bethel vs. Fraser

Freedom of the Press

- Government can't stop the press from showing certain things
- ↳ Press - News can't be censored
- ↳ it often censors itself

Freedom to peaceably assemble

- Freedom to protest
- Freedom to march
- ↳ Can't riot or break laws

Freedom to petition

Petition - Complaint for change
↳ Certain # of signatures (number)

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Amendment II (2) → written originally to allow for minute men and allow colonists to form a militia in case they were attacked

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.

What about the 2nd Amendment is up for interpretation?

- Right to carry a gun as self ~~defense~~ defense
 - 1968 Gun Control Act
 - Known as the "Individual rights" argument

Amendment III (3)

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

In your own words: Government/Army can't force soldier to stay in houses.

Amendment IV (4)

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Search and Seizure → looking & taking your stuff
(look) (take)

"Probable Cause" - Reasonable suspicion that there is something illegal
Example: Locker sniffing dogs
Stop and frisk in New York ← overturned in court case

Amendment V (5)

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Double Jeopardy -

A person cannot be convicted/put on trial twice for the same crime

Due process -

the government must respect the legal rights of a person by following its own rules

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Amendment VI (6)

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Arizona v. Miranda - Miranda rights → must be read to a person when they are arrested (part of due process)

- right to remain silent

- right to an attorney ←

Public Safety Exception -

Terrorists have a different due process

Amendment VII (7)

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Trial by Jury → 12 jurors decide the verdict
↳ decision

Amendment VIII (8)

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

What part of this Amendment is up for interpretation?

what does cruel and unusual mean?

- Each state decides

Amendment XIV (9)

Passed by Congress June 13, 1866. Ratified July 9, 1868.

Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Equal Protection Clause - citizens have equal protection under the law

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Bill of Rights (The First 10 Amendments)

Amendment	Rights Protected
1	-speech -religion -petition -press -peaceably assemble
2	Bear arms
3	quarter (house) soldiers
4	-privacy -search -seizure
5	-Due process -Double jeopardy
6	-Right to speedy trial -Right to counsel
7	Trial by jury
8	Right against cruel and unusual punishment
9	Limits on governmental power
10	Powers of the states