SECTION 2

The Bill of Rights

If YOU were there...

Your father runs a bookshop in colonial Boston in 1770. Your family lives in a very small brick house. You and your sisters must share one small room. One day, a red-coated British officer knocks on your door and strides into the parlor. He says that your family will have to provide a room and meals for two British soldiers. "We're already crowded!" you protest, but he insists.

Would you support the British government's requirement that colonists provide food and shelter for troops? Why?

BUILDING BACKGROUND People in the American colonies resented the British soldiers stationed in their towns. They objected to sudden searches and to soldiers being housed in private homes. They disliked censorship of their newspapers. When the Constitution was written, Americans remembered those wrongs. They insisted on adding a bill of rights to the document.

What You Will Learn...

Main Ideas

1. The First Amendment guarantees basic freedoms to individuals.
2. Other amendments focus on protecting citizens from certain abuses.
3. The rights of the accused are an important part of the Bill of Rights.
4. The rights of states and citizens are protected by the Bill of Rights.

The Big Idea

The Bill of Rights was added to the Constitution to define clearly the rights and freedoms of citizens.

Key Terms and People

James Madison, *p. 216*
majority rule, *p. 216*
petition, *p. 217*
search warrant, *p. 218*
due process, *p. 218*
indict, *p. 218*
double jeopardy, *p. 218*
eminent domain, *p. 218*

TAKING NOTES As you read, take notes on the freedoms protected by the Bill of Rights and which amendment protects each. The first right has been filled in for you as an example.

Rights/Freedoms	Amendment
1. Freedom of religion	

First Amendment

Federalist **James Madison** promised that a bill of rights would be added to the Constitution. This promise allowed the Constitution to pass. In 1789 Madison began writing down a huge list of proposed amendments. He then presented a shorter list to the House of Representatives. Of those, the House approved 12. The states ratified 10, which took effect December 15, 1791. Those 10 amendments, called the Bill of Rights, protect U.S. citizens' individual liberties.

The protection of individual liberties is important in a representative democracy. Without safeguards, people's rights would not always be protected because of **majority rule**. This is the idea that the greatest number of people in society can make policies for everyone. While this means that most people agree on what the law should be, it also means that smaller groups, or minorities, might lose their rights. The Bill of Rights ensures that the rights of all citizens are protected.

The ideas spelled out in the First Amendment form the most basic rights of all U.S. citizens. These rights include freedom of religion,

freedom of the press, freedom of speech, freedom of assembly, and the right to petition.

In the spirit of Thomas Jefferson's Virginia Statute for Religious Freedom, the First Amendment begins, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." In other words, the government cannot support or interfere with the practice of a religion. This amendment keeps the government from favoring one religion over any other or establishing an official religion.

The First Amendment also guarantees freedom of speech and of the press. This means that Americans have the right to express their own ideas and views. They also have the right to hear the ideas and views of others. Former senator Margaret Chase Smith discussed why these freedoms are important. "The key to security," she once said, "is public information."

Freedom of speech does not mean that people can say anything they want to, however. The Constitution does not protect slander—false statements meant to damage someone's reputation. Libel, or intentionally writing a lie that harms another person, is not protected, either. The Supreme Court has also ruled that speech that endangers public safety is not protected. For example, Justice Oliver Wendell Holmes declared in 1919 that falsely shouting "Fire" in a crowded theater is not protected as free speech.

Americans also have freedom of assembly, or of holding meetings. Any group may gather to discuss issues or conduct business. If people gather peacefully and do not engage in illegal activities, the government cannot interfere. The right to **petition**, or make a request of the government, is another right of the American people. Any American can present a petition to a government official. This right lets Americans show dissatisfaction with a law. They can also suggest new laws.

THE IMPACT TODAY

Free-speech protection has also been applied to "symbolic" speech—or nonverbal communication that expresses an idea, such as wearing a protest button.

READING CHECK **Summarizing** What rights does the First Amendment guarantee to Americans?

Amendment I

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.

Workers use the right of assembly to protest a proposed budget in New York City.

Amendment II
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.

Amendment III
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.

Amendment IV
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.

Protecting Citizens

The Second, Third, and Fourth Amendments relate to colonial disputes with Britain and reflect many of the ideals outlined in the Declaration of Independence. The Second Amendment deals with state militias and the right to bear arms. Colonial militias played a big role in the Revolutionary War. The framers of the Constitution thought that the states needed their militias for emergencies. Today the National Guard has largely replaced organized state militias.

Supporters of gun-control laws have generally argued that the Second Amendment was intended to protect the collective right of states to maintain well-regulated militia units. Opponents hold that the amendment was meant to protect an individual's right of self-defense. The meaning of the amendment continues to be debated.

The Third Amendment prevents the military from forcing citizens to house soldiers. Before the Revolution, the British pressured colonists to shelter and feed British soldiers. British leaders also forced colonists to submit to having their property searched for illegal goods. Anger over such actions led to the Fourth Amendment rule against "unreasonable searches and seizures." Before a citizen's property can be searched, authorities must now get a **search warrant**. This order gives authorities permission to search someone's property. A judge issues this order only when it seems likely that a search might uncover evidence relating to a crime. In emergencies, however, police can make an emergency search. This may preserve evidence needed to prove possible illegal activity.

READING CHECK **Finding Main Ideas**
Why were the Third and Fourth Amendments matters of great importance to Americans when the Bill of Rights was written?

Rights of the Accused

The Fifth, Sixth, Seventh, and Eighth Amendments provide guidelines for protecting the rights of the accused. According to the Fifth Amendment, the government cannot punish anyone without **due process** of law. This means that the law must be fairly applied. A grand jury decides if there is enough evidence to **indict** (en-DYT), or formally accuse, a person. Without an indictment, the court cannot try anyone for a serious crime. The Fifth Amendment also protects people from having to testify at their own criminal trial. To keep from testifying, a person need only "take the Fifth." In addition, anyone found not guilty in a criminal trial cannot face **double jeopardy**. In other words, he or she cannot be tried again for the same crime.

The final clause of the Fifth Amendment states that no one can have property taken without due process of law. There is one exception: the government's power of **eminent domain**. This is the power to take personal property to benefit the public. One example would be taking private land to build a public road. However, the government must pay the owners a fair price for the property. If the property was gained illegally, then the owners are not paid.

The Sixth Amendment protects the rights of a person who has been indicted. It guarantees that person a speedy public trial. Public trials ensure that laws are being followed by allowing the public to witness the proceedings. Accused people have the right to know the charges against them and can hear and question witnesses testifying against them. Accused people have the right to an attorney. If they cannot pay for legal service, the government must provide it. Sometimes accused persons refuse their Sixth Amendment rights. For example, some defendants refuse the services of an attorney, while others choose to have a trial in front of a judge alone instead of before a jury. In many cases, defendants can forgo trial and agree to a plea bargain. This means that a defendant pleads guilty to a lesser charge and avoids risking conviction for a crime with a greater sentence.

The Seventh Amendment states that juries can decide civil cases. It is possible to harm another person without committing a crime. In such cases, the injured party may sue, or seek justice, in a civil court. Civil cases usually involve disputes over money or property. For example, someone might bring a civil suit against a person who refuses to repay a debt.

Amendment V

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.

Amendment VI

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.

Amendment VII

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 reexamined in any Court of the United States, than according to the rules of the common law.

A judge and jury listen to a witness in a courtroom in Orange County, California.

A Right to Bail

The Eighth Amendment allows for bail. Bail is a set amount of money that defendants promise to pay the court if they fail to appear in court at the proper time.

By posting, or paying, bail, a defendant can avoid staying in jail before and during a trial. If a defendant does not show up in court for trial, the court demands the bail money be paid and issues a warrant for arrest.

The Eighth Amendment keeps courts from setting unfairly high bail. However, in cases of very serious crimes, a judge may refuse to set bail altogether. This can be the case, for example, if the court regards a defendant as being potentially dangerous to the public by being left free. A judge can also deny bail if he or she thinks the defendant will not show up for trial. In such cases the defendant must remain in jail through the trial.

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

"Cruel and Unusual Punishments"

The Eighth Amendment also bans "cruel and unusual punishments" against a person convicted of a crime. For many years, Americans have debated the question of what exactly constitutes cruel and unusual punishment. The debate has often centered on the issue of capital punishment. In 1972 the Supreme Court ruled that the way in which most states carried out the death penalty was cruel and unusual. The Court also found that the ways in which many states sentenced people to death were unfair. However, a few years later, the Court ruled that not all executions were in themselves cruel and unusual.

Most states still allow the death penalty. Those that do must follow the Supreme Court's rules. To do so, many states have changed the ways in which they carry out the death penalty.

READING CHECK **Summarizing** What is the purpose of the Eighth Amendment?

Rights of States and Citizens

The final two amendments in the Bill of Rights give a general protection for other rights not addressed by the first eight amendments. These amendments also reserve some governmental powers for the states and the people.

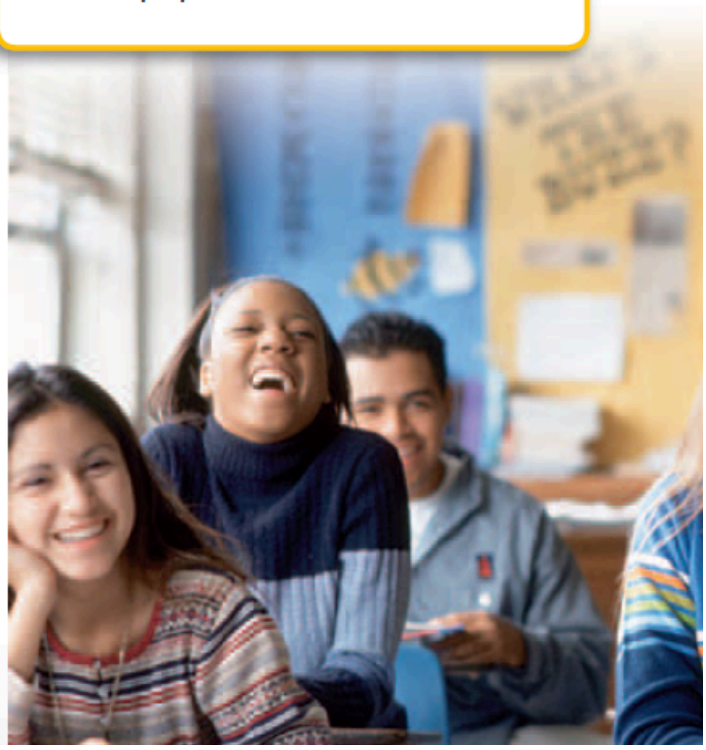
Ninth Amendment

The Ninth Amendment says that the rights listed in the Constitution are not the only rights that citizens have. This amendment has allowed the courts and Congress to decide other basic rights of citizens.

The Constitution does not address the question of education. However, most Americans believe that it is a basic and essential right. This seems especially true in view of the fact that American citizens must be able to vote for the people who represent them in government. "Education is not just another

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

Amendment X
The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.



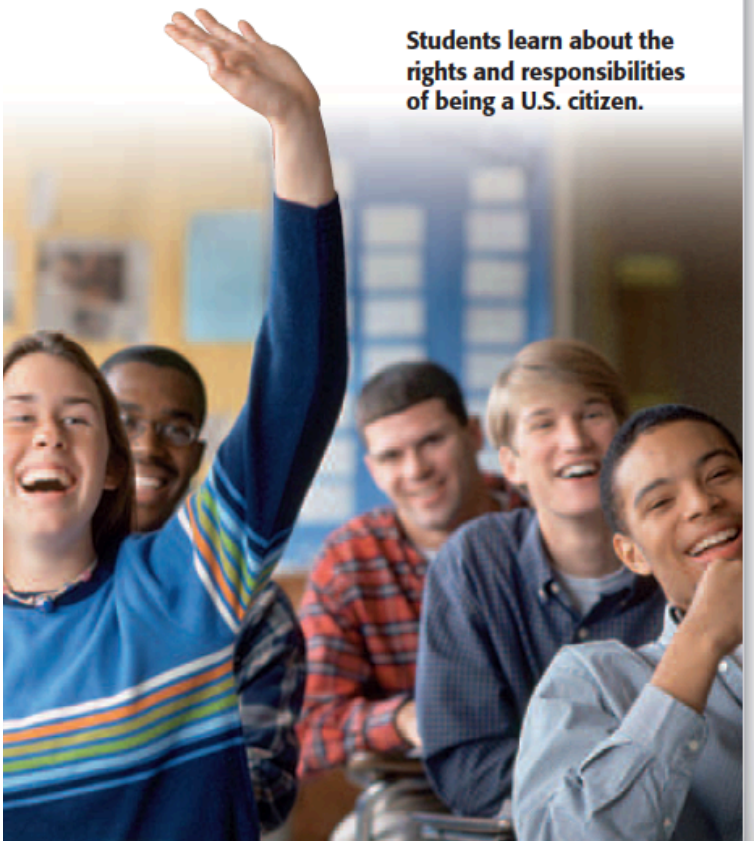
consumer item. It is the bedrock [foundation] of our democracy," explained educational leader Mary Hatwood Futrell. Today state governments offer free education from elementary to high school—to all citizens.

Tenth Amendment

The Tenth Amendment recognizes that the states and the people have additional powers. These powers are any ones that the Constitution does not specifically give to Congress—the delegated powers. The Tenth Amendment makes it clear that any powers not either delegated to the federal government or prohibited to the states belong to the states and the people. Thus, the last amendment in the Bill of Rights protects citizens' rights and helps keep the balance of power between the federal and state governments.

READING CHECK **Summarizing** How does the Tenth Amendment protect the rights of citizens?

SUMMARY AND PREVIEW In this section you learned about the Bill of Rights. In the next section you will learn about the responsibilities of citizenship.



Students learn about the rights and responsibilities of being a U.S. citizen.

Section 2 Assessment

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Online Quiz
KEYWORD: SC7 HP6

Reviewing Ideas, Terms, and People

1. **a.** **Identify** What basic rights are protected by the First Amendment?
   b. **Explain** What does the right to **petition** the government mean?
   c. **Elaborate** Why is freedom of the press an important right?
2. **a.** **Describe** How are citizens protected under the Third and Fourth Amendments?
   b. **Draw Conclusions** In what ways did British actions before the Revolution lead to the Second, Third, and Fourth Amendments?
3. **a.** **Identify** What protections does the Eighth Amendment provide for people accused of crimes?
   b. **Elaborate** Why is it important that the Bill of Rights protects people accused of crimes?
4. **a.** **Recall** What is the purpose of the final two amendments in the Bill of Rights?
   b. **Analyze** How does the Tenth Amendment balance power between national and state governments?

Critical Thinking

5. **Summarizing** Copy the chart below. Use it to summarize the rights guaranteed to citizens by each amendment in the Bill of Rights.

Amendment	Rights
1	
2	
3	
4	
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6	
7	
8	
9	
10	

FOCUS ON WRITING

6. **Gathering Information about the Bill of Rights** What freedoms are guaranteed by the Bill of Rights? Make a list of the most important freedoms. You'll list those freedoms on the third page of your pamphlet.