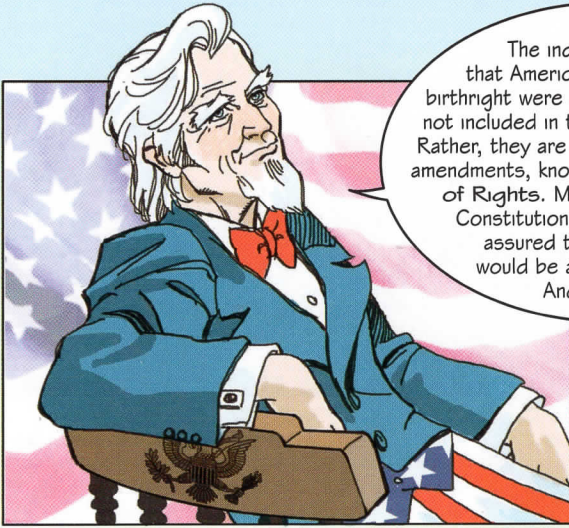


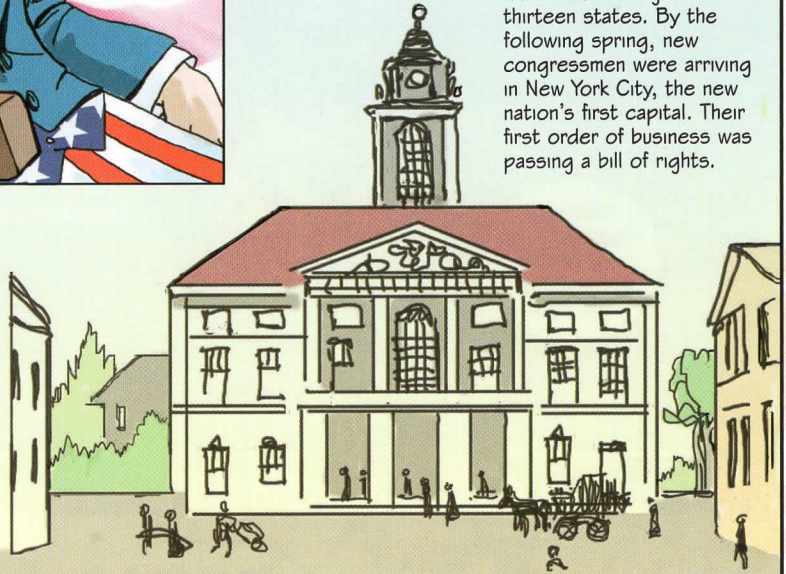
# The Bill of Rights



The individual liberties that Americans cherish as their birthright were discussed but ultimately not included in the original Constitution. Rather, they are enshrined in the first ten amendments, known collectively as the Bill of Rights. Many states ratified the Constitution only after they were assured that a bill of rights would be added immediately. And so it was.

New York City, March 1789. As soon as New York ratified the Constitution, congressional elections were held throughout the thirteen states. By the following spring, new congressmen were arriving in New York City, the new nation's first capital. Their first order of business was passing a bill of rights.

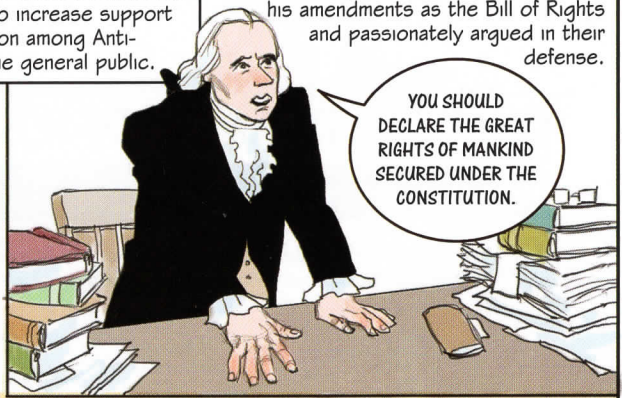
Among the new representatives was James Madison of Virginia. Partly at the urging of his friend Thomas Jefferson, he decided to sponsor the amendments.



A BILL OF RIGHTS IS WHAT THE PEOPLE ARE ENTITLED TO AGAINST EVERY GOVERNMENT ON EARTH . . . AND WHAT NO JUST GOVERNMENT SHOULD REFUSE.

Madison knew that these amendments were necessary to increase support for the Constitution among Anti-Federalists and the general public.

On June 8, 1789, Madison introduced his amendments as the Bill of Rights and passionately argued in their defense.



YOU SHOULD DECLARE THE GREAT RIGHTS OF MANKIND SECURED UNDER THE CONSTITUTION.

Madison found inspiration in different sources. The oldest was England's Magna Carta of 1215. It stated that no man could be "captured or imprisoned" except by "lawful judgment of his peers" or the "law of the land."



THE KING MUST GRANT CERTAIN BASIC RIGHTS TO HIS PEOPLE. SIGN HERE.

I'LL SIGN IF I HAVE TO.

For months, the House and the Senate debated, rewrote, and finally accepted a bill of rights. In substance, it was similar to Madison's original version.

In October 1789, President Washington sent the amendments to the states for ratification. When three-quarters of the states accepted them, they became the law of the land.



On December 15, 1791, the Bill of Rights took effect. At first, only the federal government was required to observe its rules on individual freedoms and rights. State governments were not. For instance, in the 1830s anti-abolitionists burned down Elijah Lovejoy's anti-slavery newspaper.

THERE IS NO  
FREEDOM OF THE  
PRESS FOR  
ABOLITIONISTS IN  
MISSOURI!



This was true. But the passage of the 14th Amendment in 1868, and numerous judicial decisions since, gradually established that states must also abide by the Bill of Rights.

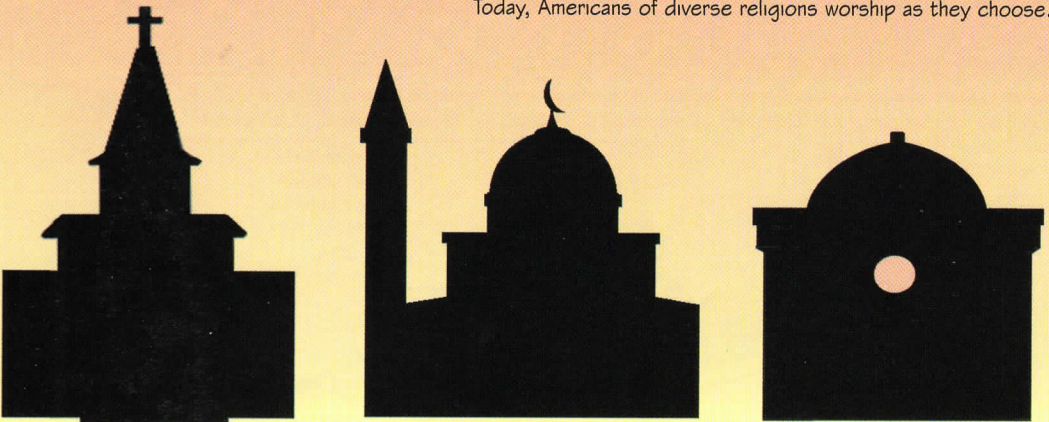
And now, here is  
your Bill of Rights.



The First Amendment guarantees freedom of religion, speech, and the press, the right to assemble, and the right to petition.

*Freedom of Religion.* Congress cannot interfere with freedom of worship. Before the Bill of Rights, the idea of religious freedom had gained ground because people of so many different faiths had come to America.

Today, Americans of diverse religions worship as they choose.





Church of England

Congress also cannot establish an official state religion the way Britain's King Henry VIII did when he founded the Church of England. Nor can it compel people to observe certain religious customs.



Church of America

Thomas Jefferson said that the Establishment Clause erected a "wall of separation between church and state."

But how high is that wall? For the past 50 years, there has been much controversy involving religion in government-sponsored institutions, such as public schools.



FORCING ME TO PRAY VIOLATES MY CONSTITUTIONAL RIGHTS!



NOT ALLOWING ME TO PRAY WOULD VIOLATE MY CONSTITUTIONAL RIGHTS!

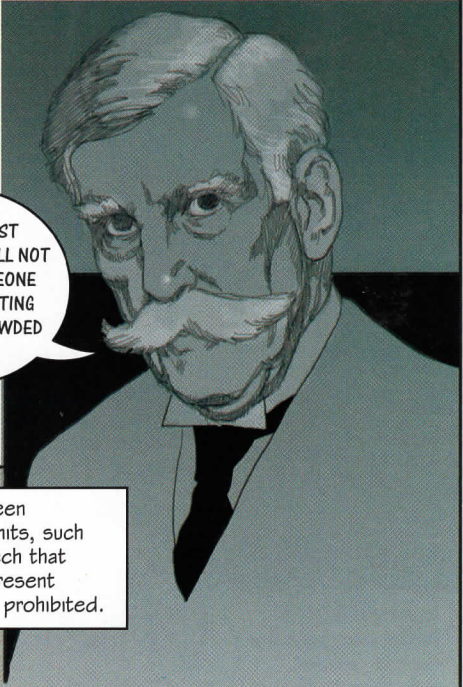


**Freedom of Speech.** The First Amendment also protects the right of free speech. Citizens have the right to express their opinions even when others disagree or find their opinions offensive.



BUT THE FIRST AMENDMENT WILL NOT PROTECT SOMEONE FALSELY SHOUTING "FIRE" IN A CROWDED THEATER.

FIRE!



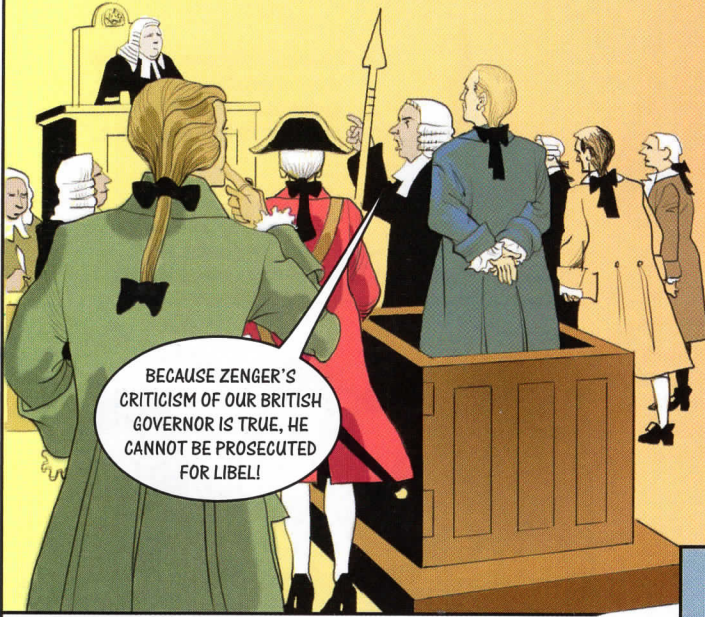
The amendment has been interpreted to have limits, such as in the case of speech that causes a "clear and present danger," which can be prohibited.



Certain kinds of nonverbal speech are also protected. For instance, during the Vietnam War, the Supreme Court ruled that students had the right to wear black armbands to protest the war.

*Freedom of the press.* In the early colonies, newspapers could print only material that had been approved by the British government. Precedents for freedom of the press began with the trial of the New York printer John Peter Zenger in 1734.

James Madison and the founders believed that a free press was necessary to the security of a nation. It fosters public discussion about current events and pressures the government into doing its job right.



BECAUSE ZENGER'S CRITICISM OF OUR BRITISH GOVERNOR IS TRUE, HE CANNOT BE PROSECUTED FOR LIBEL!

**NEW YORK POST**  
Vote for Romney!

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**The New York Times**  
Vote for Obama!

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Today these press freedoms apply not only to newspapers and books but also to TV, radio, movies, and the Internet.

THE FEDERAL EMERGENCY RESPONSE TO HURRICANE KATRINA HAS BEEN SLOW AND TOTALLY INADEQUATE.

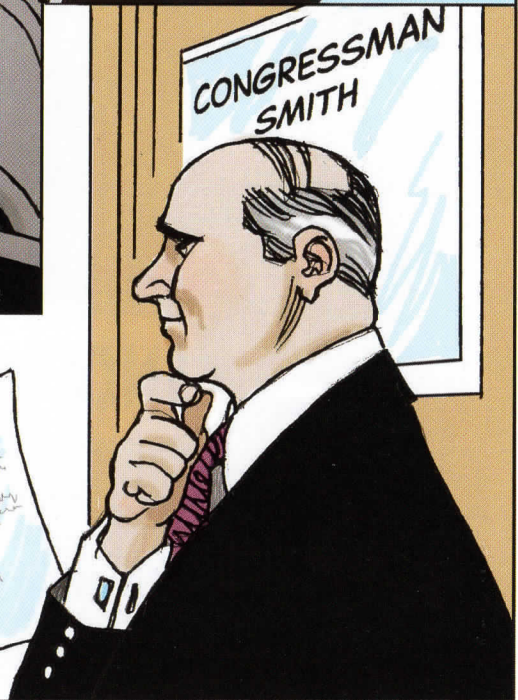
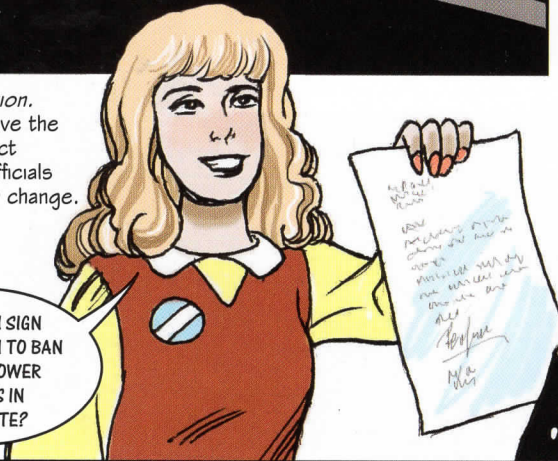
*Right of Peaceful Assembly.* People have the right to hold public meetings and demonstrations, whether to protest unfair working conditions, march for civil rights, or nominate political leaders.

SOMEWHERE I READ OF THE FREEDOM OF ASSEMBLY. SOMEWHERE I READ OF THE FREEDOM OF SPEECH . . . SOMEWHERE I READ THAT THE GREATNESS OF AMERICA IS THE RIGHT TO PROTEST FOR RIGHT.



*Right of Petition.* People also have the right to contact government officials to petition for change.

WOULD YOU SIGN THIS PETITION TO BAN NUCLEAR POWER STATIONS IN YOUR STATE?



First Amendment rights are not absolute, however. Individual rights end where the rights of others begin. Sometimes it is hard to determine where that line is.

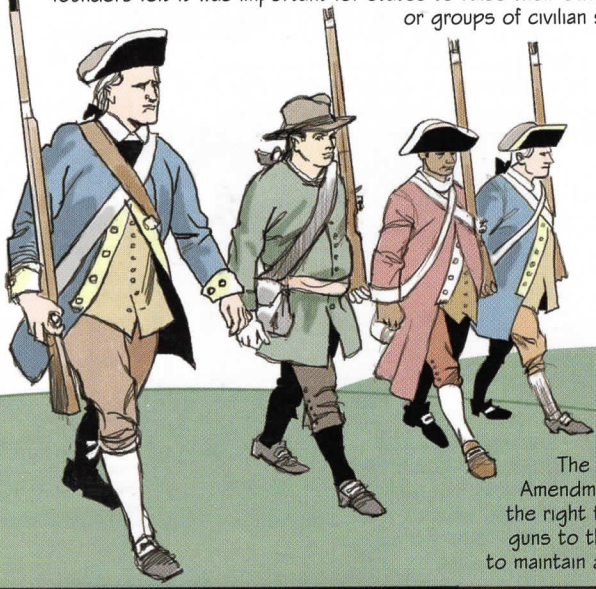
THE CONSTITUTION GIVES ME THE RIGHT TO PROTEST ON THIS STREET!

YOUR PROTEST VIOLATES MY RIGHT TO GO TO WORK.



## SECOND AMENDMENT

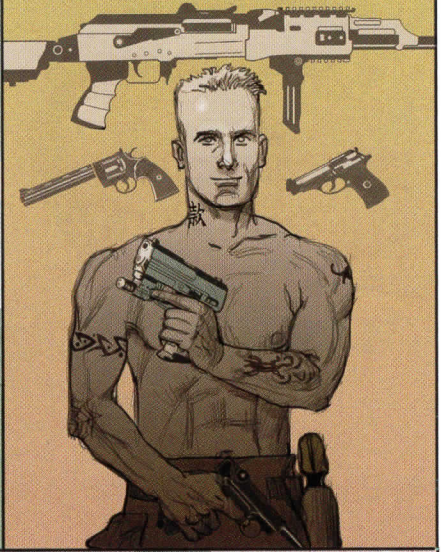
The Second Amendment deals with the right to keep and bear arms. Rather than have the federal government maintain a large standing army, the founders felt it was important for states to raise their own militias, or groups of civilian soldiers.



The Second Amendment ties the right to carry guns to the need to maintain a militia.

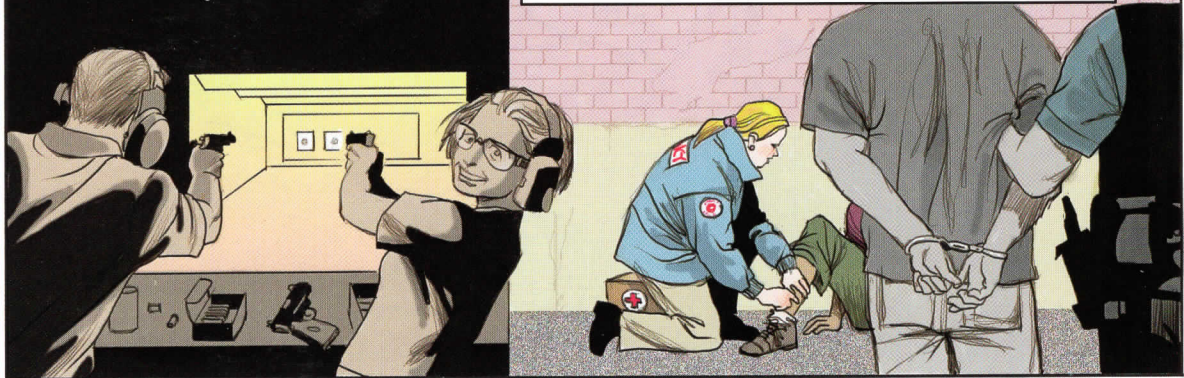
However, because the phrasing of the amendment is ambiguous, judicial scholars and politicians have long argued about its meaning.

Did the founders mean to emphasize the collective right of state militias . . .



. . . or the right of each individual citizen to own a gun?

When gun violence does occur, state and national legislatures debate anew about possible limits on the right to bear arms.



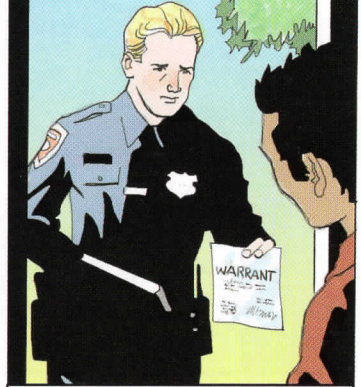
## THIRD AMENDMENT

The Third Amendment says that soldiers will not be housed in private homes unless the owner agrees. This addressed the forced lodging of British soldiers in the homes of the colonists under the Coercive Acts but has not been relevant since.



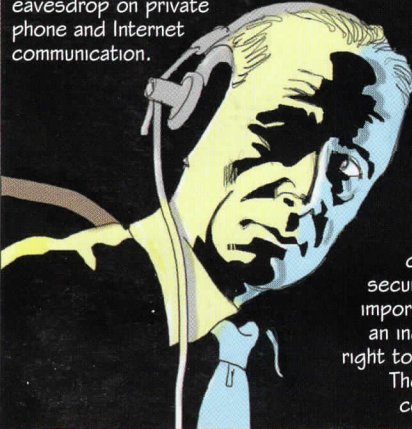
## FOURTH AMENDMENT

The Fourth Amendment protects people's property, papers, and bodies from "unreasonable searches and seizures."



For instance, it prevents law enforcement officials from entering private homes unless they have a search warrant . . .

Sometimes the government must balance the need for national security against Fourth Amendment rights. In the 21st century, Congress has passed antiterrorism laws that allow the government to eavesdrop on private phone and Internet communication.



When is collective security more important than an individual's right to privacy? The debate continues.

## FIFTH AMENDMENT

The Fifth Amendment guarantees the right to fair treatment under the law.

No one can be deprived of "life, liberty, or property" without due process, or a series of approved legal procedures.

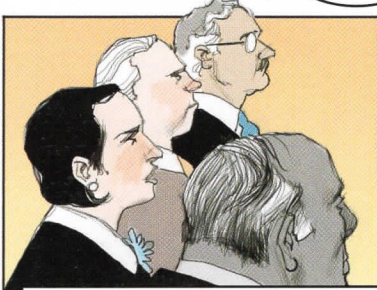


Nor can anyone be tried twice in criminal court for the same crime, known as *double jeopardy*.



No one can be forced to testify against themselves; they have the right to remain silent.

I REFUSE TO ANSWER ON THE GROUNDS THAT I MAY INCRIMINATE MYSELF.



Refusing to answer a question during a legal proceeding is called taking the Fifth.

The Fifth Amendment also says that government cannot take away people's property without paying them for it.

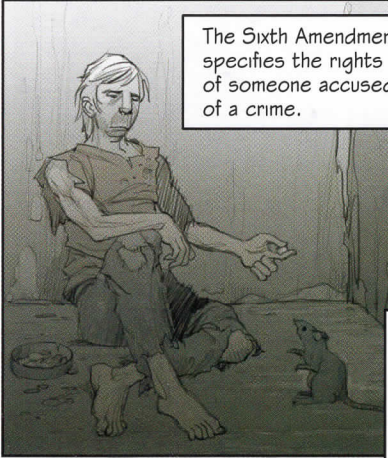
BUT THIS HIGHWAY IS GOING RIGHT THROUGH MY LAND!



DON'T WORRY, THE GOVERNMENT WILL COMPENSATE YOU.

### SIXTH AMENDMENT

The Sixth Amendment specifies the rights of someone accused of a crime.



The accused must have a "speedy and public trial" by an impartial jury—a jury that does not have any preconceived ideas about guilt or innocence.

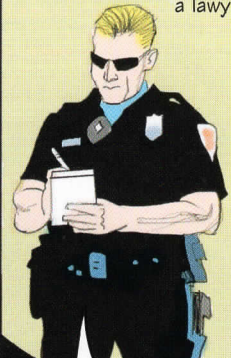
The accused has the right to be told why he was arrested . . .

YOU HAVE BEEN ACCUSED OF BREAKING AND ENTERING.

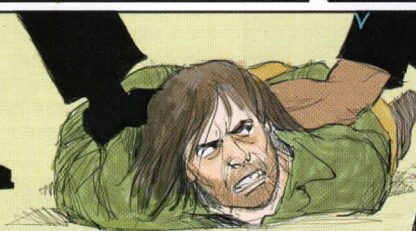
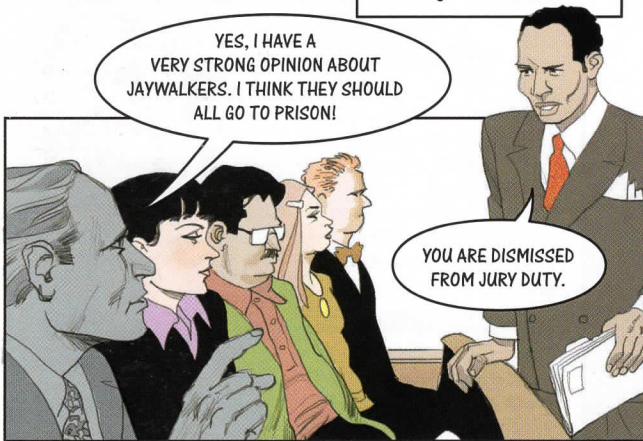
. . . and the right to a lawyer. In 1963, this right was extended even to those who cannot afford a lawyer.

YES, I HAVE A VERY STRONG OPINION ABOUT JAYWALKERS. I THINK THEY SHOULD ALL GO TO PRISON!

YOU ARE DISMISSED FROM JURY DUTY.



YOU HAVE THE RIGHT TO AN ATTORNEY. IF YOU CANNOT AFFORD AN ATTORNEY, ONE WILL BE APPOINTED FOR YOU.



## SEVENTH AMENDMENT

The Seventh Amendment also provides for jury trials in federal noncriminal, or civil, trials.



## EIGHTH AMENDMENT

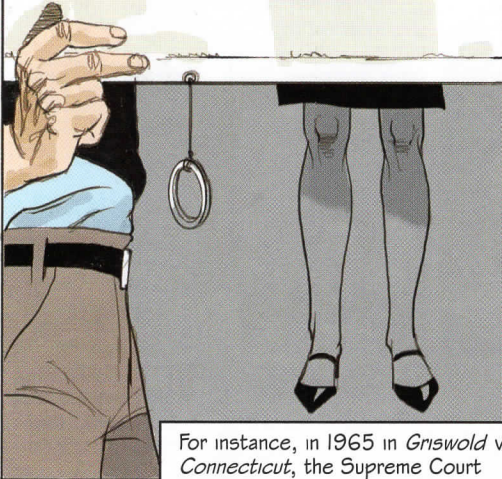
The Eighth Amendment prohibits excessive bail and fines.



Bail is money a defendant pays for temporary release from jail to ensure he will show up for trial.

## NINTH AMENDMENT

The Ninth Amendment states that the people also have rights that are not specifically mentioned in the Constitution. The framers knew that even a bill of rights could not possibly name all the personal freedoms people should possess.



For instance, in 1965 in *Griswold v. Connecticut*, the Supreme Court decided that married people possess a right to privacy. Although this right is not explicitly mentioned in the Bill of Rights, it is implied.

## TENTH AMENDMENT

The Tenth Amendment states that any powers not granted to the federal government or denied to the states belong to the states or to the people.

It reaffirms the principle of federalism that Madison and others advanced in the *Federalist Papers*: the division of power between the national and the state governments. It also discourages the federal government from interfering on issues that states will never agree on.

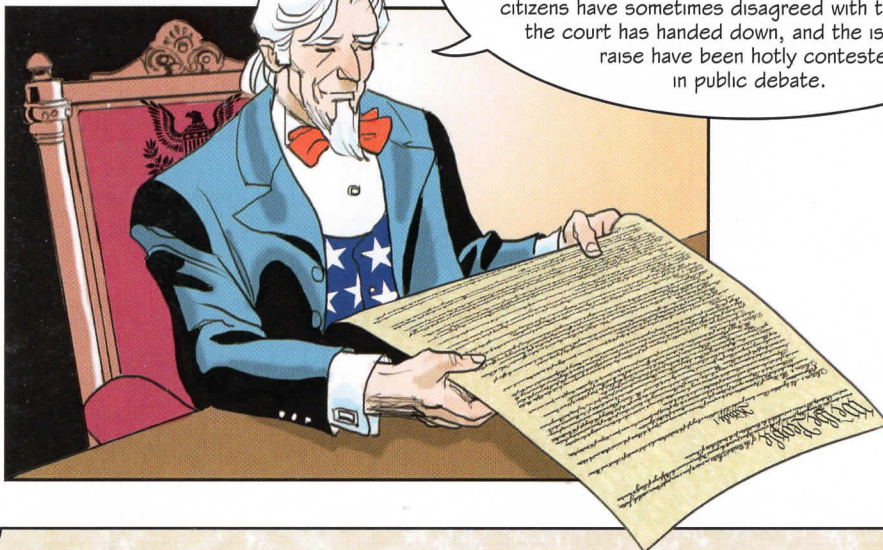
THE COURT STRIKES DOWN THE FEDERAL LAW CREATING GUN-FREE SCHOOL ZONES. SUCH LAWS ARE UP TO STATE AND LOCAL GOVERNMENTS.



The Eighth Amendment also forbids "cruel and unusual punishments." A cruel punishment is one that causes an excessive amount of pain.

Although the death penalty is legal in most states, there is still a vigorous debate over whether it constitutes "cruel and unusual" punishment.





The first ten amendments define Americans' conception of freedom. Over the years, the Supreme Court has interpreted each of these amendments in a series of landmark court cases, extending the protections of the Bill of Rights to all Americans, including women, African Americans, and other minorities. Groups of citizens have sometimes disagreed with the decisions the court has handed down, and the issues they raise have been hotly contested in public debate.

### Amendment 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."

### Amendment 2

"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 3

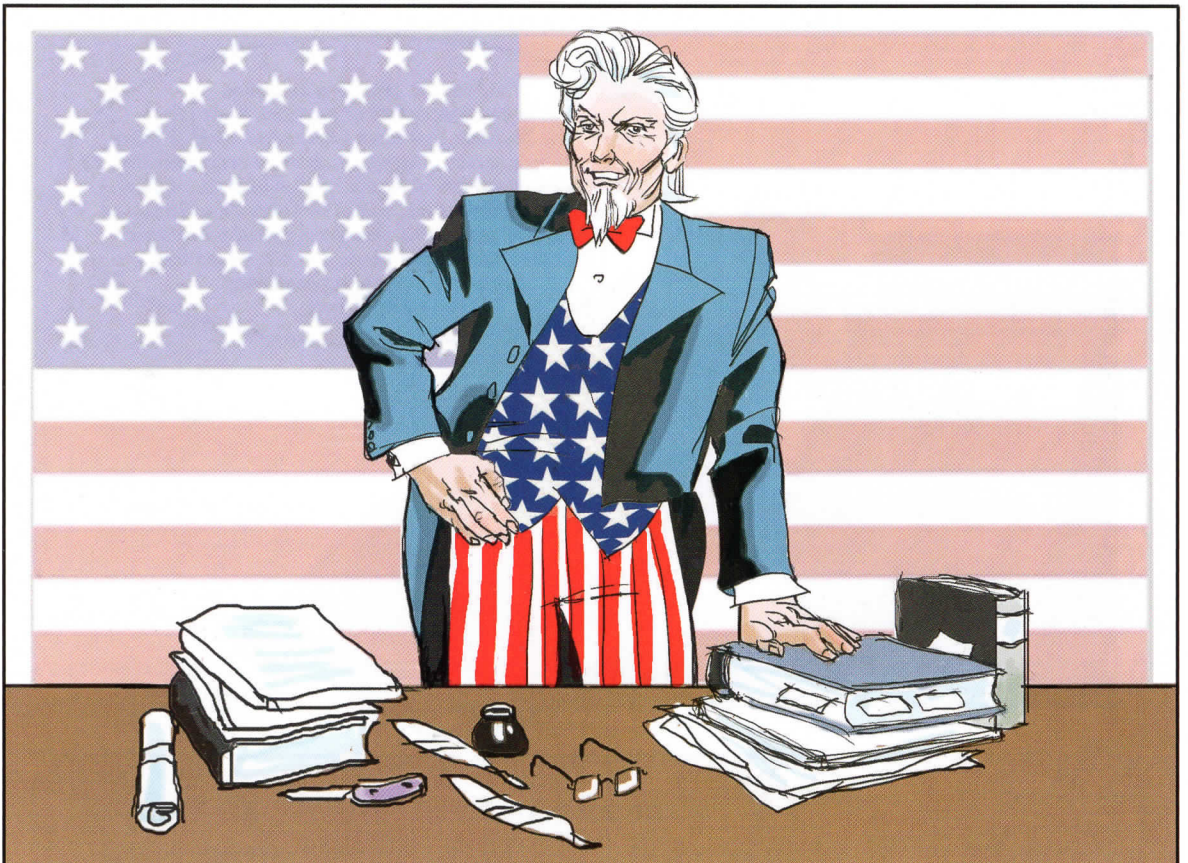
"No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law."

### Amendment 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."

### Amendment 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."



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

### Amendment 8

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

### Amendment 9

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

### Amendment 10

"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."