

The Bill of Rights

“Bill of Rights”

Learn more about this topic! Each section gives more detail on one of the lyrics from the song. Read each section, and then respond by answering the question or taking notes on key ideas.

1. The Constitution outlines the workings of the government but not the rights of citizens. Congress wanted to get the Constitution ratified by the states, so it made good on its promise to add amendments that would outline some of the rights of American citizens. The first 10 amendments that were added to the Constitution became known as the Bill of Rights. In general, these rights were idealistic. And they were, probably more importantly, reactions to English practices in the colonies. The founding fathers wanted to ensure that the citizens of the United States would never be victims of tyranny again.

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2. **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.**

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Not all speech is protected by the First Amendment. The Supreme Court and the states have decided that there are restrictions to free speech. In 1919, the Supreme Court decided that someone may not yell “fire” in a crowded theater just to be funny. The first amendment protects freedom of the press, which means that newspapers, newscasts, magazines and journals can report on negative information about an event or individual, as long as they are truthful. But they can’t print something false about someone else—libel and slander—though laws about this differ from state to state. States also regulate obscene speech.

3. **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.**

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The writers of the Constitution believed that the people must have the ability to protect themselves and to fight back against an oppressive government. Today, some people argue that some of these original reasons behind the Second Amendment no longer apply. Others argue that the right to protect yourself is the really central idea of the Second Amendment and that guns are necessary for self-protection. Either way, the United States has the highest rate of gun ownership in the world.

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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.

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This amendment was a direct reaction to the British Quartering Acts, which allowed British soldiers to stay in colonists' houses. The Third Amendment now seems rather out of place among the other amendments. It has never been the basis for a Supreme Court decision.

5. 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.

The Fourth Amendment protects the people from the government's or law enforcement's unnecessary search and seizure. The term "search" can refer to many actions: a search of a suspect's home or computer, a DNA test or a police officer frisking citizens. "Seizure" is when the government takes an individual's possession. Items that the government seizes can be used as evidence in a case against a suspect. "Seizure" also used to refer the government taking possession of an individual.

The main principle of this amendment is that any citizen may be accused of a crime by the state, so the state must ensure their legal protection. The amendment prevents the police and courts from using illegally obtained evidence. It allows for limits on police when they are investigating a crime. But there are certain types of searches that citizens aren't protected against by the Fourth Amendment. For instance, schools can search students' lockers for evidence of a crime even though a student may consider that locker their "property."

6. 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 offense 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.

This is the first in a series of amendments addressing the rights of citizens when facing prosecution.

This amendment prohibits jailing individuals without charging them publicly with a crime. It forbids trying someone twice for the same crime, which is known as double jeopardy. Scholars and lawyers have also used the phrase “no person shall be...deprived of life, liberty, or property, without due process of law” as the basis for the idea that someone is innocent until proven guilty. The phrase “innocent until proven guilty,” however, does not appear in the Constitution.

This amendment also prohibits self-incrimination. The responsibility of proving guilt falls to the prosecution, not the person who is accused of the crime. This is where the famous phrase “I plead the Fifth” comes from. It translates to, “I decline to answer this question where the answer might incriminate me.”

7. 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 defense.

This amendment protects the right to a public trial. It makes it illegal for a secret police force to arrest someone without telling them the reason. The police cannot whisk an American citizen off, throw them in an underground cell and have a “trial” for them that they cannot attend. Many countries have held these types of trials, and some countries still engage in these practices today.

8. 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.

This amendment protects against the will of a single judge. It places more power in the hands of the people. Scholars have used this amendment as the basis of the idea that everyone is guaranteed the right to a trial by “a jury of one’s peers.” Just like “innocent until proven guilty,” the phrase “jury of one’s peers” does not appear anywhere in the Constitution.

There is great debate about how fairly juries decide cases, or how much of their verdicts are based on personal prejudices and feelings. In general, however, it is thought that putting this power in the hands of the people is better than putting it in the hands of a single judge.

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

This amendment outlaws “cruel and unusual punishment” like torture, ensuring another important right for people facing prosecution. The critical debate over the death penalty (used by the federal government and, in 2016, 31 of 50 states) often focuses on the Eighth Amendment: is killing someone a form of cruel and unusual punishment? In 1972, the Supreme Court prohibited the death penalty in the United States, then reinstated it in 1976. Today, America is one of the only industrialized nations in the world that still executes criminals.

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Eleanor Roosevelt holding the
Universal Declaration of Human
Rights

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**The enumeration in the
Constitution, of certain rights,**

**shall not be construed to deny or disparage others retained by the
people.**

This was an important amendment for people who wanted to make it clear
that humans have more rights than just those listed in the amendments.
For example, the Constitution does not explicitly guarantee the right to eat.
But that doesn't mean that US citizens don't have that right.

**11. 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.**

Essentially, this amendment was included to reassure the advocates of
states' rights. This amendment confirms that states can create their own
laws, as long as those laws don't violate the Constitution.

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