

UNIT 2: CREATING A LASTING GOVERNMENT
CHAPTER 6 – THE BILL OF RIGHTS
SECTION 2 – PROTECTIONS IN THE BILL OF RIGHTS

- The Bill of Rights ***DID NOT*** change the Constitution. It, in fact, spelled out the basic rights of the citizens that are protected under our national government.

-These rights fall into three separate categories:

1. Protections of Individual Freedoms.
2. Protections against Abuse of Power.
3. Protections of the Accused.

Category 1: Protections of Individual Freedoms

- These rights include a number of freedoms that are protected by the first amendment.
 - 1. Freedom of Religion:** Everyone is free to practice the religion of their choice, or not to practice any religion at all. This freedom also established the *Separation of Church and State*.
 - ***Separation of Church and State:*** A law that states that government may not favor any religion or establish an official religion.
 - 2. Freedom of Speech:** The right to speak and write freely.
 - **HOWEVER,** you are not free to slander, or tell lies that will damage another person's reputation.
 - 3. Freedom of the Press:** Guarantees that people may criticize government without the fear of arrest.
 - **HOWEVER,** you are not free to print lies about a person, or print anything that may endanger the lives of citizens.
 - 4. Freedom of Assembly:** The right to assemble, or meet together. (ex: demonstration or protest)
 - **HOWEVER,** the assembly must be peaceful, and does not violate the rights of other citizens.
 - 5. Freedom of Petition:** Any citizen has the right to ask a representative to change a law, make a new law, or solve problems in government.
 - These petitions can be made via letter, email, telephone, or a signed petition which is given to a representative.

Category 2: Protections against the Abuse of Power

- *These amendments (Second, Third, Fourth) help to protect citizens from the abuse of power by police, judges, and any other government officials.*
 - **2nd Amendment: Right to Bear Arms**- Gives citizens the right to own firearms.
 - Written when American Revolution was still fresh in the minds of citizens; when militias were prominent in America.
 - The Second Amendment is one of the most highly debated issues in America today.
 - **3rd Amendment: Quartering of Soldiers**- The government must obtain the consent of the house owner, before allowing soldiers to stay in one's house.
 - During the colonial period, England had allowed English soldiers to stay in colonists' houses against their wishes.
 - **4th Amendment: Unreasonable Searches and Seizures**- Officers cannot search a citizen or a citizen's home without a valid reason. They must also obtain a search warrant.
 - During the American Revolution, Parliament allowed officers to make unlimited searches and seizures in colonists' homes and businesses without warning or reason.
 - Today, an officer must convince a judge that they are likely to find evidence of a crime in order to obtain a warrant.
 - **Protecting Property Rights**- Requires the government to pay land owners a fair price for their property, when taking in under the law of **Eminent Domain**.
 - **Eminent Domain**: The government's power to take private property for public use. (ex: parks, schools, highways, fire & police stations, and public buildings)

Category 3: Protections of the Accused

Fifth Amendment:

- **Under the Fifth Amendment:**
 - Citizens are entitled to a **Due Process of Law**.
 - **Due Process of Law:** a process by which the government must treat accused persons fairly according to rules established by law?
 - Any confessions (to crimes) must be freely given, not forced.
 - Examples:
 - **Miranda Rights:** Given “**right to remain silent**” because no one may be forced to “**be a witness against himself**”.
 - Accused Persons “**Plead the Fifth**” or “**Refuse to answer on the grounds that it may incriminate me (appear guilty)**”
 - All persons suspected of committing a serious crime (ex: murder), must be accused by a grand jury.
 - Citizens are protected from **Double Jeopardy**.
 - **Double Jeopardy:** being placed on trial for the same crime twice.

Sixth and Seventh Amendments: *Right to Trial by Jury*

-**Sixth Amendment:** Guarantees citizens a right to a speedy, public and fair trial in any case involving a crime.

- A person may not be tried in secret or kept in jail for a long time awaiting trial.
- An accused person has the right to the advice of a lawyer.
- A defendant, who cannot afford a lawyer, has the right to a lawyer paid by the government.
- An accused person has the right to ask questions of witnesses during the trial.
- An accused person has right to see accuser during the trial (under ordinary circumstances).

-**Seventh Amendment:** Permits presence of a Jury in Cases concerning conflicts over money or property (as long as the value in dispute is over twenty dollars).

Eighth Amendment: *Bails, Fines, and Punishment*- Protects accused persons from unfair treatment both before and after a trial.

- Instead of staying in jail, an accused person can “post bail”, or deposit a certain amount of money to the court.
 - This money is a pledge that the person will appear in court.
 - The bail will be returned when the accused person appears in court.
- This amendment forbids the amount of bail from being extremely high.
- Protects an accused person from long-term imprisonment before being convicted.
- Protects people from “Cruel and Unusual Punishment” (ex: whipping and branding)

Category 4: Protections of Other Rights

Ninth Amendment: States that citizens’ rights are not limited to those listed in the Constitution.

Tenth Amendment: States that the powers not given to Congress nor prohibited to the states are reserved respectfully to the states (reserved powers).