

The Bill of Rights

The first 10 Amendments
To the U. S. Constitution

Who determines what the Bill of Rights mean?

- The Supreme Court makes rulings on the meaning
- The Supreme Court balances the rights of the individual with the needs of society

Individual??



Society??

The First Amendment

5 rights mentioned

- Freedom of Speech
- Freedom of Religion
- Freedom of the Press
- Freedom of Assembly
- Right to petition the government



Freedom of Religion

- “Congress shall make no law respecting an establishment of religion or prohibiting the free exercise there of”
- Two clauses:
 - Establishment clause
 - Free Exercise clause

Establishment and Free Exercise clause often conflict with each other

- In schools, the religion issue is most prevalent
- If a student raises his hand and says “teacher, can we say an opening prayer before this test”
- If the teacher says:
- “Yes”, It looks like establishment of religion
- “No”, It is deigning a student free exercise.

Establishment Clause

Government cannot promote religion



Establishment Clause

Government

Cans

- Teach about religions in school
- Allow voluntary prayer in many examples
- Transport students to a religious school
- Read Bible for culture or literacy content

Cannot

- Set a state religion
- Government cannot order a prayer
- Teach religious doctrine in the school
- Pay seminary teachers
- Teach creationism

Free exercise of religion



Free Exercise

The person

Can

- Choose whatever religion
- Lead a prayer in most examples
- Ask questions about religions
- Worship who ever you want

Cannot

- Break the law and claim it is religious belief
- Raise children without education
- Deprave children of basic needs

Freedom of speech

- “Congress shall make no laws . . . abridging the freedom of speech”



Free speech

The individual can:

- Say any political belief
- Protest (without getting out of control)
- Say things about someone that are true
- Burn the flag
- Say racist and hate slogans
- Free speech means someone might say something you disagree with

Free speech limits on the person

- Threaten to blow up airplanes, schools or the president
- Sexual harassment
- Create too much social chaos
- Extremely crude language in a public form
- Disrespectful, vulgar language in schools
- Hate crimes

Freedom of the press

- Congress shall make no law . . . abridging . . . the freedom of the press.”



Freedom of the press

the press

Can

- Print any political position
- Make fun of people, especially politicians
- Expose wrongs by the government
- Say things you might not agree with

Cannot

- Libel– intentionally injuring a person's reputation by false facts
- Disclose defense-security secrets
- Detail how to make certain weapons

Freedom of Assembly

- Congress shall make no law . . .
Abridging . . . The people to peaceably
assemble”



Freedom of Assembly

Individual

Can

- Protest
- Parade (with a permit)
- Parade chanting hate slogans
- Gang members can congregate in public

Cannot

- Protest by throwing rocks and breaking windows
- Hang out on private land against owners will—loitering
- Teen curfew

Petition the Government

- “Congress shall make no law . . . Abridging . . . the people . . . to petition the government for a redress of grievances”



Petition the government

- You may sue the government for wrongs
- You cannot be punished for exposing wrongs by the government
- The courts decide the wrongs



2nd Amendment

Right to bear arms

- “A well-regulated militia, being necessary to the security of a free state, the right of the people to bear arms shall not be infringed.”



What is the debate with the right to bear arms?



- How much can the government keep guns from criminals and youth?
- In order to keep guns away from criminals, does that limit the right of law abiding citizens?

Gun debate continued

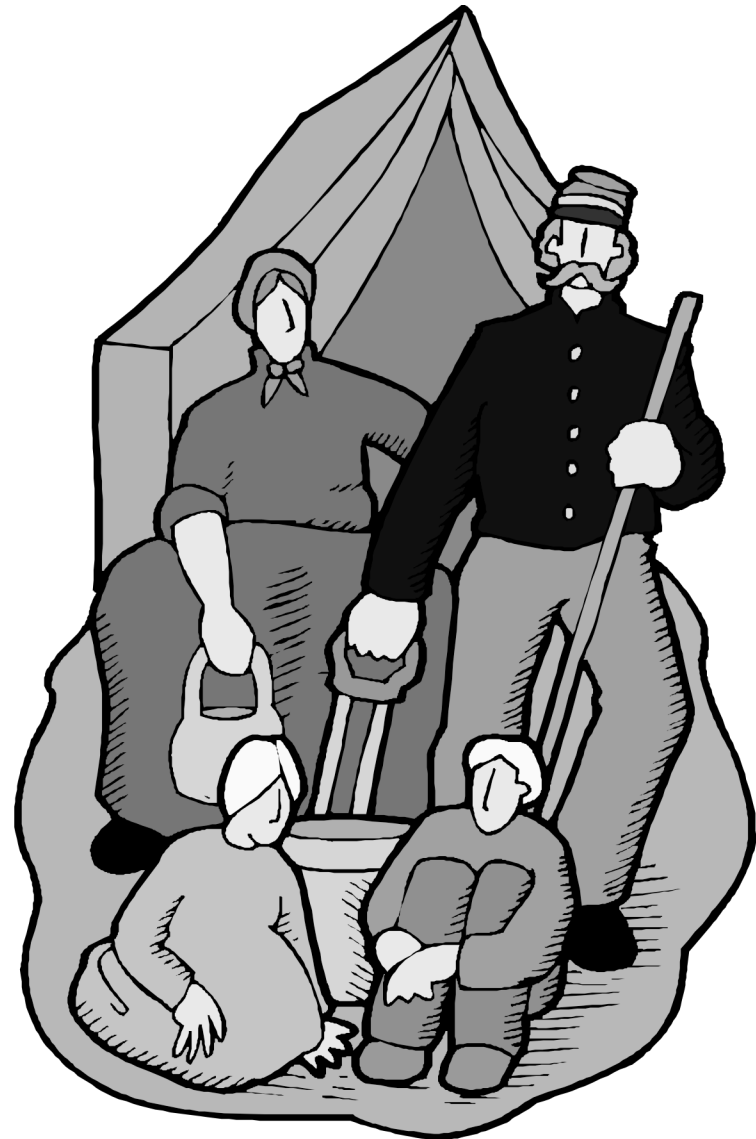


Shoes representing gun deaths.

- Thousands of people die every year because of guns
- Thousands of crimes are prevented because of guns

Third Amendment

- The Government cannot force you to shelter soldiers in your home without your consent in time of war or peace.



Amendments 4-8

Rights of the Accused

Important to preserve freedom



Fourth Amendment

- **What does a police officer need in order to search your home?**
 - **A warrant given to him/her by a judge**
 - **Probable cause is also needed**

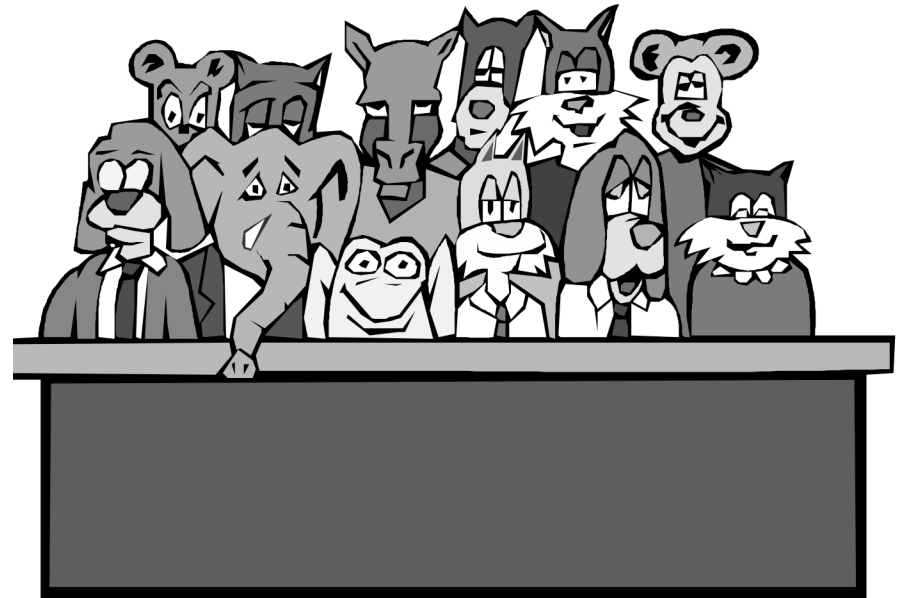


Fifth Amendment

- You cannot be tried for the same crime twice—called “Double Jeopardy”
- You do not have to testify against your self. “I plead the fifth”
- You must have *due process* of law before you are convicted
- The government cannot take your land unless it pays.

Sixth Amendment

- Right to speedy trial by impartial jury—meaning not favoring either side



Sixth Amendment

continued



- You must be told of charges
- You must be provided a lawyer if you cannot afford one

Seventh Amendment

- The Right to have a jury in a CIVIL trial



Eighth Amendment



Prisoner kissing his Mom in prison

- No excessive bail
- No cruel and unusual punishment

Ninth Amendment

Rights specifically listed in the United States Constitution shall not limit the rights not listed in the State Constitutions.



Tenth Amendment

Powers not specifically listed in the Constitution for the federal government are given to the states

