

Name: \_\_\_\_\_

## PrepUS History

Date: \_\_\_\_\_

### Unit 2 – The Constitution and Voting

#### Amendments 1-10: The Bill of Rights

#### **The Bill of Rights**

Remember how delighted you were when you got your own bicycle? You could ride it all over the neighborhood much more quickly than you could walk. However, you needed to remember the safety rules. That way you didn't have an accident and hurt pedestrians or yourself. What might have happened if nobody bothered to tell you the rules? What if everyone took those rules so much for granted that no one even wrote them down? How could you watch out for pedestrians' rights if you weren't sure what those rights were?

When the delegates sought to have the new Constitution ratified, they faced a similar problem. They thought everyone knew what individual rights were, so they did not define them in the Constitution. However, the lack of specific guarantees of personal liberty was one of the main reasons why a number of states were reluctant to accept the Constitution.

#### **Objections to the Constitution**

Their major objection to the new Constitution was its lack of a bill of rights. Back then "bills of rights" were common – they listed the specific freedoms that governments could not threaten or take away. When the Constitution was being written, many state constitutions already had bills of rights. For that reason, the authors of the Constitution did not feel it was necessary to have additional ones. The Antifederalists believed that without a list of personal freedoms, the new national government might abuse its powers. They worried that it would destroy the liberties won in the Revolution.

#### **Supporters of the Constitution**

By the end of July 1788, 11 states had ratified the Constitution. But the new government could not go into effect: North Carolina and Rhode Island did not approve the Constitution until after the government was set up. However, the Antifederalists' criticisms were not ignored. As soon as the new Congress met, the legislature, under the leadership of Madison, prepared 10 "amendments," or additions, to the Constitution. They were all approved by 1791 and became known as the Bill of Rights.

## The Bill of Rights, or first ten Amendments to the Constitution:

### AMENDMENT 1

<p>How the Amendment is actually worded in the Constitution:</p> <p><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.</i></p>	<p>Summary:</p> <p>Congress can't make any law that: Favors one religion over another religion, or no religion at all, or opposes any religion; Stops you from practicing your religion as you see fit; Keeps you from saying whatever you want, even if you are criticizing the President of the United States; Prevents newspapers, magazines, books, movies, radio, television or the internet from presenting any news, ideas, and opinions that they choose; Stops you from meeting peacefully for a demonstration or protest to ask the government to change something.</p>
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### AMENDMENT 2

<p>How the Amendment is actually worded in the Constitution:</p> <p><i>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.</i></p>	<p>Summary:</p> <p>Congress can't stop people from having and carrying weapons.</p>
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### AMENDMENT 3

<p>How the Amendment is actually worded in the Constitution:</p> <p><i>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.</i></p>	<p>Summary:</p> <p>You don't have to let soldiers live in your house, except if there is a war, and even then Congress needs to pass a law and set the rules.</p>
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### AMENDMENT 4

<p>How the Amendment is actually worded in the Constitution:</p> <p><i>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.</i></p>	<p>Summary:</p> <p>Nobody can search your body, or your house, or your papers and things, unless they can prove to a judge that they have a good reason for the search.</p>
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## AMENDMENT 5

<p>How the Amendment is actually worded in the Constitution:</p> <p><i>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.</i></p>	<p>Summary:</p> <p>Except during times of war or if you are in the military: You can't be tried for any serious crime without a Grand Jury meeting first to decide whether there's enough evidence against you for a trial; If at the end of a trial, the jury decides you are innocent, the government can't try you again for the same crime with another jury; You cannot be forced to admit you are guilty of a crime and if you choose not to, you don't have to say anything at your trial at all; You can't be killed, or put in jail, or fined, unless you were convicted of a crime by a jury and all of the proper legal steps during your arrest and trial were followed; and The government can't take your house or your farm or anything that is yours, unless the government pays for it at a fair price.</p>
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## AMENDMENT 6

<p>How the Amendment is actually worded in the Constitution:</p> <p><i>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.</i></p>	<p>Summary:</p> <p>If you are arrested and charged with a crime: You have a right to have your trial soon and in public, so everyone knows what is happening; The case has to be decided by a jury of ordinary people from where you are, if you wish; You have the right to know what you are accused of doing wrong and to see and hear and cross-examine the people who are witnesses against you; You have the right to a lawyer to help you. If you cannot afford to pay the lawyer, the government will.</p>
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## AMENDMENT 7

<p>How the Amendment is actually worded in the Constitution:</p> <p><i>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.</i></p>	<p>Summary:</p> <p>You also have the right to a jury when it is a civil case (a law case between two people rather than between you and the government).</p>
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### AMENDMENT 8

<p>How the Amendment is actually worded in the Constitution:</p> <p><i>Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.</i></p>	<p>Summary:</p> <p>The government can't make you pay more than is reasonable in bail or in fines, and the government can't inflict cruel or unusual punishments (like torture) even if you are convicted of a crime.</p>
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### AMENDMENT 9

<p>How the Amendment is actually worded in the Constitution:</p> <p><i>The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.</i></p>	<p>Summary:</p> <p>Just because these rights are listed in the Constitution doesn't mean that you don't have other rights too.</p>
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### AMENDMENT 10

<p>How the Amendment is actually worded in the Constitution:</p> <p><i>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.</i></p>	<p>Summary:</p> <p>Anything that the Constitution doesn't say that Congress can do, is left up to the states and to the people.</p>
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