

## THE AMENDMENTS

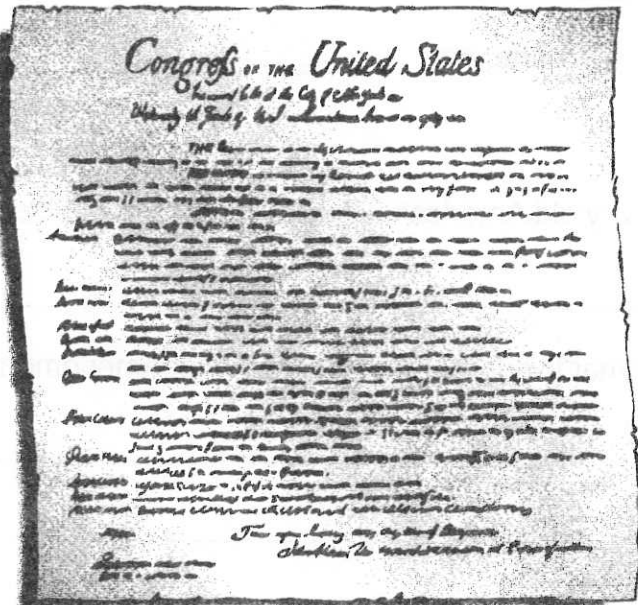
### *The Bill of Rights, 1791: Amendments I-III* (See Amendments I-III)

In 1791, two years after the Constitution went into effect, ten amendments were added to the document. It was felt that the Constitution did not list the rights that should be protected for all Americans. The Constitution assumed that because the powers of the government were specific and limited, a statement of rights was not needed. As the states began to ratify the Constitution in 1787 and 1788, they insisted that a Bill of Rights be added.

The first three amendments guarantee certain individual freedoms that today we cherish as Americans. The First Amendment gives Americans the freedom to choose their own religion. Congress cannot pass a law making any religion the official religion of the United States. Under the First Amendment we are also given the freedom of *speech* (the right to speak out without fear of punishment), freedom of the *press* (the right of newspapers to print whatever they feel is newsworthy without censorship), freedom of *assembly* (the right to gather together in a group), and the right of *petition* (the right to ask the government to change things). People are guaranteed these freedoms so far as they do not take away the freedoms of others. It is the job of the courts to decide where that line is drawn. These basic freedoms have been the subject of many court cases throughout the history of the United States.

The Second Amendment gives American citizens the right to bear *arms*. Arms are weapons or guns. Under this amendment, Americans are allowed to own guns. There is much controversy today surrounding this amendment. What types of weapons should we be allowed to own and use for protection or hunting?

The Third Amendment had its beginning during the French and Indian War and the Revolutionary War. It outlaws the *quartering*, or housing, of soldiers in private houses. Before independence, English soldiers would forcibly move into the homes of Americans. The Third Amendment prohibits this practice in peacetime and authorizes Congress to pass a law concerning quartering of soldiers in wartime.



The Bill of Rights was ratified in 1791.

**THE AMENDMENTS**

***The Bill of Rights, 1791: Amendments I-III***

**≈ Challenges ≈**

1. Define:

Assembly: \_\_\_\_\_

Petition: \_\_\_\_\_

Quartering: \_\_\_\_\_

2. Why did Americans insist on adding the Bill of Rights to the Constitution? \_\_\_\_\_

3. What five freedoms does the First Amendment guarantee?

a) \_\_\_\_\_

b) \_\_\_\_\_

c) \_\_\_\_\_

d) \_\_\_\_\_

e) \_\_\_\_\_

4. What does the Second Amendment guarantee? \_\_\_\_\_

5. What does the Third Amendment prohibit? \_\_\_\_\_

6. The First Amendment guarantees us freedom of speech. Do you think it's okay to scream "Fire!" in a crowded theater when there is no fire? Why or why not?

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## THE AMENDMENTS

### ***The Bill of Rights, 1791: Amendments IV-VI***

(See Amendments IV, V, VI)

The Fourth Amendment is concerned with searches and seizures. In order to convict a person of a crime, you need to have evidence. Where is the best place to find evidence but in the home or on the person? Before the Constitution, there was no protection against the police or government invading your home or arresting you at any time. The Fourth Amendment outlaws unreasonable searches and seizures. The government must have a *search warrant* in order to search your home. A search warrant is a document issued by a judge to the sheriff for the purpose of getting evidence concerning a crime. An *arrest warrant* is similar, but for the purpose of arresting someone suspected of a crime. The Fourth Amendment protects us from being wrongly arrested or searched.

The Fifth Amendment gives Americans many basic legal protections. First, no one can be tried for a serious crime without an indictment by a *grand jury*. A grand jury is a group of people who decide if there is enough evidence to have a trial. If there is enough evidence, they issue an *indictment*, which is a formal charge, or accusation, against a person.

The Fifth Amendment also protects against *double jeopardy*. Double jeopardy is when a person is tried twice for the same crime. The Fifth Amendment says that once a person has gone through a trial and been found innocent, there cannot be another trial later, even if more evidence is found. The government also cannot punish a person twice for one crime. The amendment also protects people from having to witness against themselves. This is called *self-incrimination*.

Also guaranteed by the Fifth Amendment is the right to *due process of law*. Whatever the government does, it cannot take away someone's life, liberty, or property without first going through the proper steps set forth in our laws. Finally, if the government takes property, the owner must be paid a fair price.

In the Sixth Amendment, we are guaranteed the right to a fair, fast, and public trial. People who are accused of a crime also have the right to be present in court and have a lawyer represent them, even if they cannot afford one. The Sixth Amendment protects the rights of the accused.



**The Fourth, Fifth, and Sixth Amendments protect those accused of crimes.**

**THE AMENDMENTS**

*The Bill of Rights, 1791: Amendments IV-VI*

**≈ Challenges ≈**

1. What is a search warrant? \_\_\_\_\_

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2. What is an arrest warrant? \_\_\_\_\_

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3. What is a grand jury? \_\_\_\_\_

\_\_\_\_\_

4. What is an indictment? \_\_\_\_\_

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5. What is double jeopardy? \_\_\_\_\_

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6. What amendment guarantees the right of due process of the law? \_\_\_\_\_

\_\_\_\_\_

7. Which amendment protects people from unreasonable searches and seizures? \_\_\_\_\_

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8. Which amendment protects people from being tried twice for the same crime? \_\_\_\_\_

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9. Which amendment guarantees the right to a lawyer, even if a person can't afford one? \_\_\_\_\_

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10. Which amendment prevents the courts from forcing a person to witness against himself?

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## THE AMENDMENTS

### ***The Bill of Rights, 1791: Amendments VII-X***

(See Amendments VII, VIII, IX, X)

The final section of the Bill of Rights deals with legal rights and also with powers given to the states.

The Seventh Amendment guarantees Americans the right to a trial by a jury in any case involving more than twenty dollars. In today's society there are many lawsuits going through the court system. It is our right to have our case decided by a group of our peers, a *jury*. Or, it is our right to not have a jury and have only a judge decide the case.

The Eighth Amendment protects us from having to pay excessive *bail* or be punished in cruel and unusual ways. Bail is money that is given in order to be released from jail. The money is returned when the accused appears in court for the trial. Protection from paying excessive bail means that one wouldn't have to pay one million dollars to be released from jail for stealing a candy bar!



**The Seventh Amendment guarantees the right to a trial by jury.**

Cruel and unusual punishment is being tortured or punished in ways that are not humane. There are many different opinions as to what is cruel and unusual punishment.

The Ninth Amendment is the "etcetera" amendment. Under this amendment, other rights not listed in the Constitution are also given to the people. The rights in the Constitution are not the only rights Americans have—they are just a few. The Ninth Amendment protects other rights that might not have been listed.

Finally, the Tenth Amendment gives all powers not specifically listed in the Constitution to the states and its peoples. For example, education is not mentioned in the Constitution; therefore, it is the job of the individual states to educate its people. What is not written in the Constitution is given to the states and the people.

The Bill of Rights is an important addition to the Constitution. Without the statement of these rights, certain freedoms like religion, speech, or public trials might have been lost in the passage of time.

Date \_\_\_\_\_ Name \_\_\_\_\_

**THE AMENDMENTS**

***The Bill of Rights, 1791: Amendments VII-X***

**≈ Challenges ≈**

1. What is a jury? \_\_\_\_\_

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2. What does the Seventh Amendment guarantee? \_\_\_\_\_

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3. What is excessive bail? \_\_\_\_\_

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4. What would you consider cruel and unusual punishment? \_\_\_\_\_

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5. What does the Eighth Amendment protect us from? \_\_\_\_\_

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6. What does the Ninth Amendment say about rights not listed in the Constitution?

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7. The power to set up school districts is not stated in the Constitution. Who has the authority to create schools?

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What amendment gives them that power? \_\_\_\_\_

8. How many amendments are contained in the Bill of Rights? \_\_\_\_\_

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