

What rights and freedoms are protected by the Bill of Rights? How do these rights affect the lives of American citizens today?

The Constitution was completed in 1787. Then it had to be **ratified** by at least nine states. Americans fiercely debated whether to approve the Constitution. Many people were afraid that it made the national government too strong. They had already fought a war because British rule had not respected their rights. Americans did not want this to happen again under their new government.

In several states, the vote on the Constitution was very close. Supporters James Madison, Alexander Hamilton, and John Jay gained votes by publishing essays called *The Federalist Papers*. In these essays the three men explained why a strong central government would be good for the nation.

Madison and others also proposed adding a bill of rights to the Constitution. It would list rights and freedoms that the government could not take away from American citizens.

This proposal helped win approval for the Constitution. By July 1788, nine states had ratified the document. The following March, the new national government gathered for the first time in New York City.

The first Congress faced the important task of considering

changes to the Constitution. The men who wrote the Constitution had included a process for adding amendments. The states had sent Congress ideas for these first changes. A number of the ideas concerned a bill of rights. Madison sorted through the many suggestions. Then he proposed the first set of amendments to Congress.

On September 25, 1789, Congress voted to approve the 10 amendments now known as the Bill of Rights. These amendments were then sent to the states for ratification. By December 15, 1791, enough states had approved them. The amendments became part of the Constitution.

Over time, the courts have interpreted how the Constitution applies to various situations. In this way, the meaning of the Bill of Rights has grown in the years since 1791.

The First Amendment stops Congress from making laws that take away basic freedoms. These include freedom of religion, speech, and the press.

Many early Americans sought freedom of religion. For example, the Pilgrims left England because the king had forced them to worship in the Church of England. Some American colonies had also demanded that people join one church.

The First Amendment protects Americans' freedom to

choose their religious beliefs and practices. Americans worship in many ways. Some people don't practice any religion. To protect the people's right to choose, the courts have said that public schools cannot require students to say prayers in school.

Freedom of speech protects the people's right to give opinions. Americans can criticize the government and express unpopular ideas. Americans wanted this right because many colonists had been arrested for criticizing British laws. In modern times, leaders like Martin Luther King Jr. spoke out for laws that protect the rights of all people. Without the First Amendment, King might have been put in jail for his words.

Freedom of speech does have limits. People cannot use this right to harm others or to break the law. For example, suppose someone yelled "Fire!" in a crowded theater when there was no danger. Because people might get hurt in the rush to escape the theater, this kind of speech is not protected.

Freedom of the press protects the right to report news and give opinions in newspapers and in other forms. Americans wanted to guard this right because the British had jailed newspaper writers and editors for printing complaints about British actions. But freedom of the press also has limits. For example, it does not include the freedom to write lies

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about people.

The First Amendment also protects people's right to assemble, or gather in groups. And it gives Americans the right to petition, or ask the government to correct injustices.



The Second Amendment says that each state needs a militia, or an army of citizens. Therefore, the government cannot take away the people's right to “keep and bear arms.”

Americans in 1789 wanted to be able to defend themselves. Men had used their muskets against British troops in the American Revolution. People remembered how these citizen soldiers had bravely fought for their rights. At this time, people also used guns in everyday life,

to hunt for food and to protect their families. And there were no police to keep order. Since many people lived in the countryside with few neighbors nearby, they feared attacks by outlaws or American Indians.

Today, the Second Amendment protects the right to own guns. But people disagree about whether every person should be allowed to own any type of gun. Many people say no. They are disturbed by events, such as violent crimes and accidental shootings involving guns. They think that laws should control who can own and carry guns. They want laws that restrict the right to own some kinds of weapons. Others argue that the Second Amendment does not allow such laws. These people do not think that citizens should lose the right to have any type of gun just because some people misuse them.

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The Fourth Amendment forbids unreasonable searches and seizures by government officials. Seizure means taking away property. The Fourth Amendment says that officials cannot perform searches and seizures without a good reason.

In 1789, Americans wanted to protect their right to safety and privacy. British officials had gone into colonists' homes, shops, and barns. They had not needed a good reason to suspect the owners of a crime. They had felt free to seize what they liked and use it as evidence in court.

The Fourth Amendment limits the power of the government to search people's homes and businesses. Most searches require a warrant. This is an order from a judge. Officials must show probable cause, or a good reason, to get a warrant. They must convince a judge that the search is likely to uncover evidence of a crime. Also, they can search only for the specific items that are listed in the warrant.

Today, the Fourth Amendment protects citizens from the power of the police and others who enforce laws. If a search or seizure violates the Fourth Amendment, any evidence that was found cannot be used in court.

Over the years, the courts have said that some reasonable searches do not require a warrant. For example, to protect public safety, airport officials can search people's carry-on luggage for weapons. Police can search cars for drugs and stolen goods. But police must have good reason to believe that the car can be linked to a crime.



The Fifth Amendment protects the rights of Americans who are suspected of a crime. British laws also did this, but courts in the colonies did not always follow these laws. Americans wanted to make sure that the courts treated people fairly.

The Fifth Amendment protects citizens against double jeopardy. Jeopardy means danger, such as the danger of being put in jail. The courts cannot put someone on trial or punish a person twice for the same crime. When a jury finds a person not guilty, he or she goes free. The government cannot try the person again for the same crime in front of another jury. The government can ask for

another trial only if a jury cannot reach a decision.

The Fifth Amendment also says that the government cannot force people to be witnesses against themselves. Witnesses are people who give evidence. The amendment says that people do not have to say things that can be used against them in court. In the United States, confessions must be given freely. People accused of a crime have the right to say nothing. They can have a lawyer present when police ask questions. Today, police officers must tell citizens during an arrest that they have these legal rights. This information is called the Miranda warning. It is based on a Supreme Court ruling made in 1966.

The Fifth Amendment also says that the government cannot punish people without **due process** of law. The government must also offer fair payment for property taken for public use.

The Sixth Amendment describes more rights of those accused of crimes. It says that they have the right to a fair trial.

Both British law and the U.S. Constitution include the right to a trial by jury. Americans wanted to make sure that a jury trial was also a fair trial. To ensure this, the Sixth Amendment says that trials must be speedy and public. This means that people cannot be kept in jail for a long

time while they wait for their trial. Trials cannot take place in secret. Accused persons also have the right to present witnesses and to question those who testify against them.

The amendment also says that juries must be impartial. This means that jury members must not be **prejudiced** against the accused person. Courts have applied this rule in a number of ways. For example, an all-white jury in Mississippi found a black man guilty of killing a white man. Later the Supreme Court threw out the jury's decision. The Court said that the man's lawyer had not been allowed to question whether the all-white jury was fair and impartial.

Finally, the Sixth Amendment says that accused people have the right to a lawyer. Courts have extended this protection to people who cannot afford to hire a lawyer. The government must provide a lawyer if an accused person does not have the money to pay for one.

The Eighth Amendment protects the people's right to fair and reasonable punishment when they break the law. It says that punishments cannot be so harsh that they are unfair.

Courts can make people pay fines, or money, for breaking the law. But these fines cannot be excessive, or too high. For example, making someone pay \$1,000 for a parking ticket would be excessive.

The Eighth Amendment also forbids excessive bail. Bail is the money someone has to pay to get out of jail while awaiting a trial. But the amendment does not say that courts must allow bail in all cases. For instance, a judge can deny bail to someone accused of murder. Then that person must await trial in jail.

Most important, the Eighth Amendment forbids cruel and unusual punishments. Americans wanted this protection because punishments for crimes in the 1700s were often very harsh. For example, the government could sentence people to whippings. A court could send someone who owed money to jail. Once in jail, it would be almost impossible for people to earn money to pay off their debts.

Over the years, courts have applied this same protection to people serving time in prison. For instance, not giving prisoners medical care when they are seriously ill is considered cruel and unusual punishment.

Americans sometimes find it hard to decide whether a punishment is cruel and unusual. For example, they disagree about the death penalty, or sentencing people to die for their crimes. Some people think that this is a fair punishment for very serious crimes, such as murder. Other people argue that taking someone's life is always too harsh a sentence.

Courts have ruled that the Eighth Amendment does not

forbid the death penalty. Even so, some states do not allow it.

The Bill of Rights also protects other rights and liberties. The Third Amendment says that the government cannot force citizens to let soldiers live in their homes. The Seventh Amendment protects the people's right to settle **civil** disputes in a jury trial. For example, someone hurt in a car accident might want the driver to pay for hospital costs. The amendment allows the driver to have a jury trial to decide who has to pay.

The Ninth Amendment says that the Constitution's list of rights is not complete. Americans have other rights, such as the freedom to choose where to live and what job to do.

The Tenth Amendment restates the limits on the U.S. government's power that are set out in the Constitution. The national government has only those powers that are clearly listed in the Constitution. All other powers belong to the states or to the people.

In this chapter, you learned why Americans wanted a bill of rights added to the Constitution. You compared the Bill of Rights to a shield that protects citizens from the power of the central government.