

Bill of Rights

Civil Liberties - are the freedoms we have to think and act without interference from the government or without fearing that we will be treated unfairly. They are called civil liberties because they are connected with being a citizen.

Many of these civil liberties are protected under the Bill of Rights, which is the first 10 amendments of the Constitution.



First Amendment

Protects 5 basic freedoms.

1. Freedom of religion-Protects us in two ways.

First, it says that Congress cannot establish, or support, any religion as the official faith of the United States. This was put into the Constitution to prevent the government from establishing a national religion. Thomas Jefferson wanted there to be a “wall of separation between church and state”.

Second, it protects how people express their faith. It allows Americans to practice their religion the way that they want.

2. Freedom of Speech- The Constitution guarantees our right of free speech. We can state our opinions, in public or in private, without fear of being punished by the government. It covers what we say in meetings, conversations, speeches, and lectures. It also includes words spoken on TV and radio. Internet messages, art, music, and even clothing are protected.

3. Freedom of the Press- The government cannot censor news reports. **Censorship means banning printed materials or films because they are alarming or offensive ideas.** The government cannot prevent information from being published or broadcast.

4. Freedom of Assembly- This states that we can gather in groups for any reason, as long as the groups are peaceful. We can attend meetings, rallies, celebrations, and parades. **The government can make rules about when and where these activities are held but they cannot ban them.** This right also includes the freedom of association which protects our right to form and join clubs, political parties, labor unions, and other groups.

5. Freedom to Petition- This gives us the right to send petitions to the government. **A petition is a formal request for the government to act.** Petition gives us the right to express ourselves to the government.

Limits on Civil Liberty

The First Amendment gives very broad rights to us citizens but it was not intended to allow citizens to whatever they want. Citizens are expected to use their civil liberties responsibly and should not interfere with the rights of others.

Some restrictions can be placed on free speech rights. For example, we have the right to criticize people but we do not have the right to tell lies about them that will harm a person's reputation. Spreading lies about someone in this manner is called **slander**. If lies are printed about someone its called **libel**. Also people cannot speak or write anything that directly leads to a criminal act. Also people do not have the right to make a speech that will lead to the overthrow of the government by force.

Second Amendment- The Right to Bear Arms

When the Second Amendment was written a state's militia was made up of a small army of people who served as soldiers when needed. The Supreme Court states that that the Second Amendment means that individuals have the right to keep firearms in their homes for personal safety. But the government can pass laws to control gun ownership like stating who can own a gun license.

Third Amendment- Bans the practice of quartering soldiers in peace time. It states that when there is no war, soldiers cannot stay in people's homes without the permission of the homeowner.

The Rights of the Accused

The 4th, 5th, 6th, and 8th Amendments protect the rights of the accused. **Accused means that someone has been officially charged with a crime.**

Fourth Amendment- This protects us from "unreasonable searches and seizures." No officer of the government can search a person's property or take his or her possessions at will. An officer must have what's called "probable cause". **Probable cause is a strong reason to think that a person or property was involved in a crime.** Officers must get approval to search for evidence of a crime. They must provide probable cause to ask for a search warrant. **A search warrant is a court order that allows officers to search a suspect's house, business, or other property and take certain items for evidence. Only items listed on the warrant may be taken.**

The Fifth Amendment- This protects several of our rights if we are accused of a crime. The 5th Amendment does this in several ways.

1st it states that no one can be tried for a serious crime without an **indictment. An indictment is a document issued by a body called a grand jury that formally charges someone with a crime.** This means that evidence must be gathered then looked at to make sure there is enough to try someone for the crime before formal charges can be brought against them. Because of this, time and money is not wasted on carrying out a lengthy trial.

2nd the Fifth Amendment prevents people from being put on trial more than once for the same crime. When someone is put on trial for a crime, which they have already stood trial for, and found innocent, it is called **double jeopardy. This is illegal.**

3rd the Fifth Amendment also protects our right to remain silent if we are accused of a crime. This protects us from being forced to confess to crimes that we didn't commit. To prevent this from happening the Fifth Amendment states that people cannot be made to testify against themselves. This protects us from **self-incrimination. Self-incrimination is giving evidence about yourself that could lead to you being found guilty of a crime.**

4th The 5th Amendment states that one cannot be denied life, liberty, or property without the due process of law. **Due process means following set legal procedures.** This means that there is a set procedure and steps that must be followed from the beginning of a person's case. If any of these steps are skipped or violated the case can be dismissed in court and the person can go free.

5th the Fifth Amendment protects property rights. It limits the governments power to take a person's private property. **Eminent domain is the government's right to take private property-usually in the form of land-for public use.** An example of this would be when a county wants to build a sidewalk that is on your property. The Fifth Amendment limits the government from just taking that land and requires it to pay a fair market price.

The Sixth Amendment

Requires that a person be clearly told what crimes they are being accused of and the charges that have been brought against them. This amendment also gives the accused the option of being trial by a jury or just a judge. If a person asks for a jury trial it must take place in a speedy manner and be public. The trial should also be held in the community where the crimes took place. This Amendment also states that the accused person has the right to hear and question all witnesses against them and they can call witnesses to speak in their defense. **Finally, the accused has a right to an attorney, and if they can't afford an attorney the government must pay and provide one for them.**

The Seventh Amendment

This amendment deals with civil cases. **Civil cases are lawsuits that arise when people's rights are in conflict. Lawsuits are civil cases. Divorces are civil cases. Disputes are civil cases. Cases involving crimes are called CRIMINAL CASES.** The Seventh Amendment guarantees a jury trial for these types of cases.

The Eighth Amendment

This gives the accused the right to bail. This is because it could take months for a trial to be held. If there was no bail then a person would be left sitting in jail until the trial. **Bail is a sum of money used as a security deposit. Bail is set and a person pays the sum so that they can be released. If the person does not show up for the trial then that person forfeits or loses the sum that they paid the court. If the person shows up at court then the sum of money is returned to them.** A judge decides how much bail should be set and it is illegal to set "excessive" bail, or an amount that is too high and the person cannot afford it. Sometimes a judge can deny bail. This happens when they think someone will flee or the crime is super horrible. When person is convicted of a crime the 8th Amendment also protects them from being too harsh. The punishment should fit the crime.

The Ninth Amendment

This states that all other rights that are not spelled out in the constitution are **retained**, or kept, by the people. This prevents the government from claiming that the only rights that people have are the ones listed in the Constitution.

The Tenth Amendment

This amendment says that the powers of the federal government are limited. It states that any power the constitution does not specifically give to the federal government then belongs to the people. This amendment is intended to prevent Congress and the president from becoming too strong and is a way that the people can check their powers.