

# Chapter 7: The Bill of Rights

## 1. The Bill of Rights

### James Madison

In order to get states like Virginia and New York to approve the Constitution, James Madison promised to add a bill of rights later. In 1789 he began work on the project. He wrote twelve bills and the states ratified ten of them by 1791.

The Bill of Rights are the first ten amendments to the Constitution and list the important **rights** that Americans have. It can also be said that the Bill of Rights restricts or limits what the government can do.

## 2. First Amendment

### Freedom of Religion

People have the right to worship freely without interference from government. The government cannot favor one religion over another.

### Freedom of Speech

People have the right to express themselves even if it is offensive to others or the government. However, people who lie or cause harm can be sued by the injured party.

### Freedom of the Press

People have the right to print or publish their personal and political opinions. The government cannot ban, burn, or censor books, newspapers, or other media. Informing the public of government actions allows voters to make better choices for political candidates each election.

### Freedom to Assemble

People have the right to assemble publicly and voice their opinions so long as it is peaceful. People cannot start a riot.

### Freedom to Petition the Government

People have a right to complain to the government and demand solutions to problems without being punished for speaking out.

## 3. Military Amendments

### Second Amendment

People have the right to own weapons. To protect the first amendment and other rights, people must have the ability to change or abolish bad government.

### Third Amendment

The government cannot put soldiers in homes during peacetime. This puts restrictions on government power and supports the privacy and property rights of the people.

## 4. Fourth Amendment

### Privacy

The people have a right to privacy. The government cannot search or take a person's property or possessions without a good reason. A **warrant** must state the place to be searched and what or who is to be taken.

## 5. The Jury Amendments

### Fifth Amendment

Only a **grand jury** may charge a person with a serious crime such as murder. A person cannot be put on trial twice for the same crime. This prevents the government from repeatedly putting a person on trial until they are found guilty.

A person has the right not to speak or answer questions to prevent the government from making the accused person look guilty. Remaining silent is often referred to as “taking the Fifth.”

The government must follow certain legal procedures (due process) before taking away a person’s life, liberty, or property.

The government cannot take away private property for public use without paying a fair price to the owner.

### Sixth Amendment

People accused of a crime have the right to a quick and public jury trial. This prevents the government from holding people in prison for years before they get a trial. Since trials are public, people can watch to make sure the trial is fair.

A person must be told the crime they are accused of committing and who is accusing them. If a person does not know why they were arrested or who is accusing them of the crime, the accused cannot defend themselves.

Also, the accused gets to have witnesses to testify for them and to have a **lawyer** for defense. Most people do not know the law. Having a lawyer protects the rights of people accused of crimes.

### Seventh Amendment

In lawsuits exceeding \$20, people have a right to a jury trial. Civil jury trials are usually not heard anymore in federal courts unless the amount is more than \$75,000.

### Eighth Amendment

Government cannot require excessive **bail** or excessive fines. People can pay a fee (bail) to the court to stay out of jail until the trial. The greater the crime, the greater the bail fee. However, courts cannot demand a high bail fee for a lesser crime.

The government cannot use cruel or unusual punishments. People cannot be burned at the stake, thrown off a mountain, or other such punishments.

## 6. People’s Amendments

### Ninth Amendment

People are have other rights not mentioned in the Constitution.

### Tenth Amendment

Powers not given to the national government and allowed to the states are given to the states or to the people.

## 7. Application of Rights

Originally the Bill of Rights only applied to the federal government but not the state governments. The passage of the Fourteenth Amendment in 1868 made the Bill of Rights apply to the states as well.