

### 15.3 The First Amendment

The First Amendment prevents Congress from making laws that take away certain basic freedoms. Among these are freedom of religion, freedom of speech, and freedom of the press.

Freedom of religion was very important to many early Americans. For example, the Pilgrims left England because people there were forced to join the Church of England. Some American colonies also required people to belong to only one church.

The First Amendment protects Americans' freedom to choose their religious beliefs and practices. For example, not everyone prays to the same God. Some people don't pray to any God. For these reasons, courts have said that public schools cannot require students to say prayers.

Freedom of speech is the freedom to express opinions and beliefs. Because of the First Amendment, Americans are free to criticize the government and to express unpopular ideas.

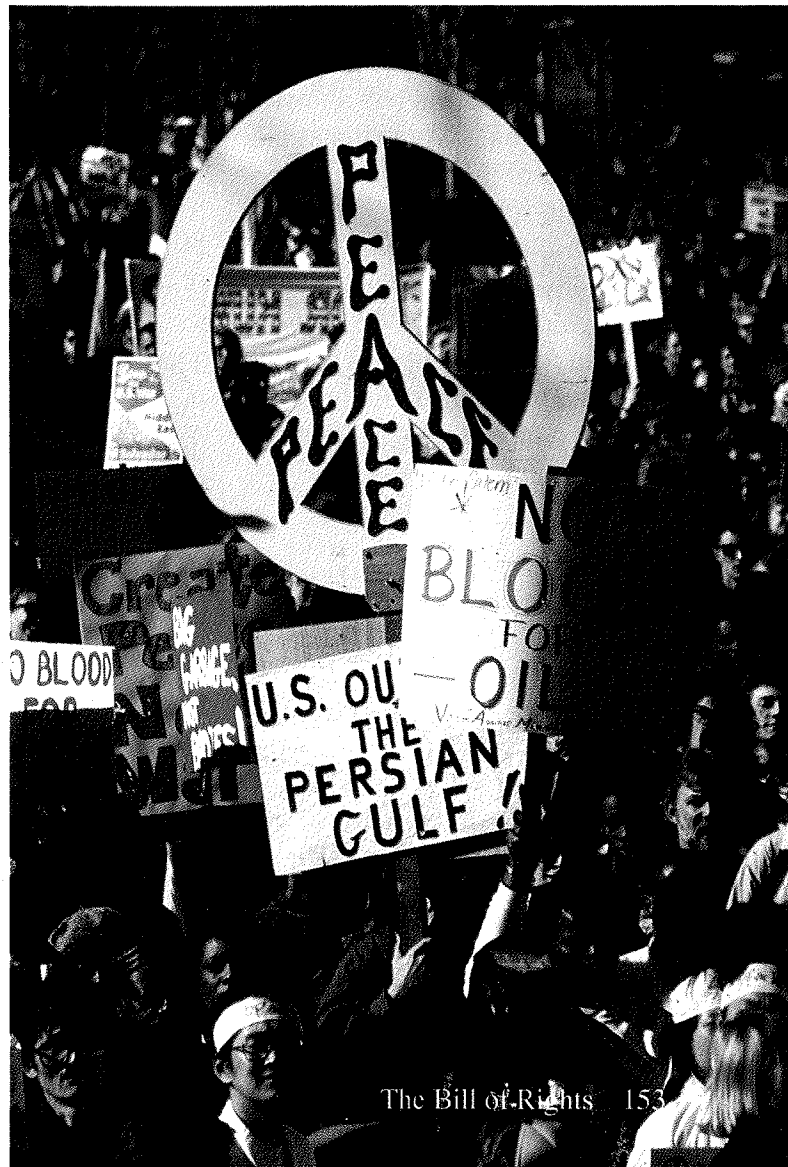
Americans wanted this freedom because many colonists had been arrested for criticizing British laws. In modern times, leaders like Martin Luther King, Jr. have demanded laws to protect the rights of all people. Without the First Amendment, King could have been put in jail just for saying what he believed in public.

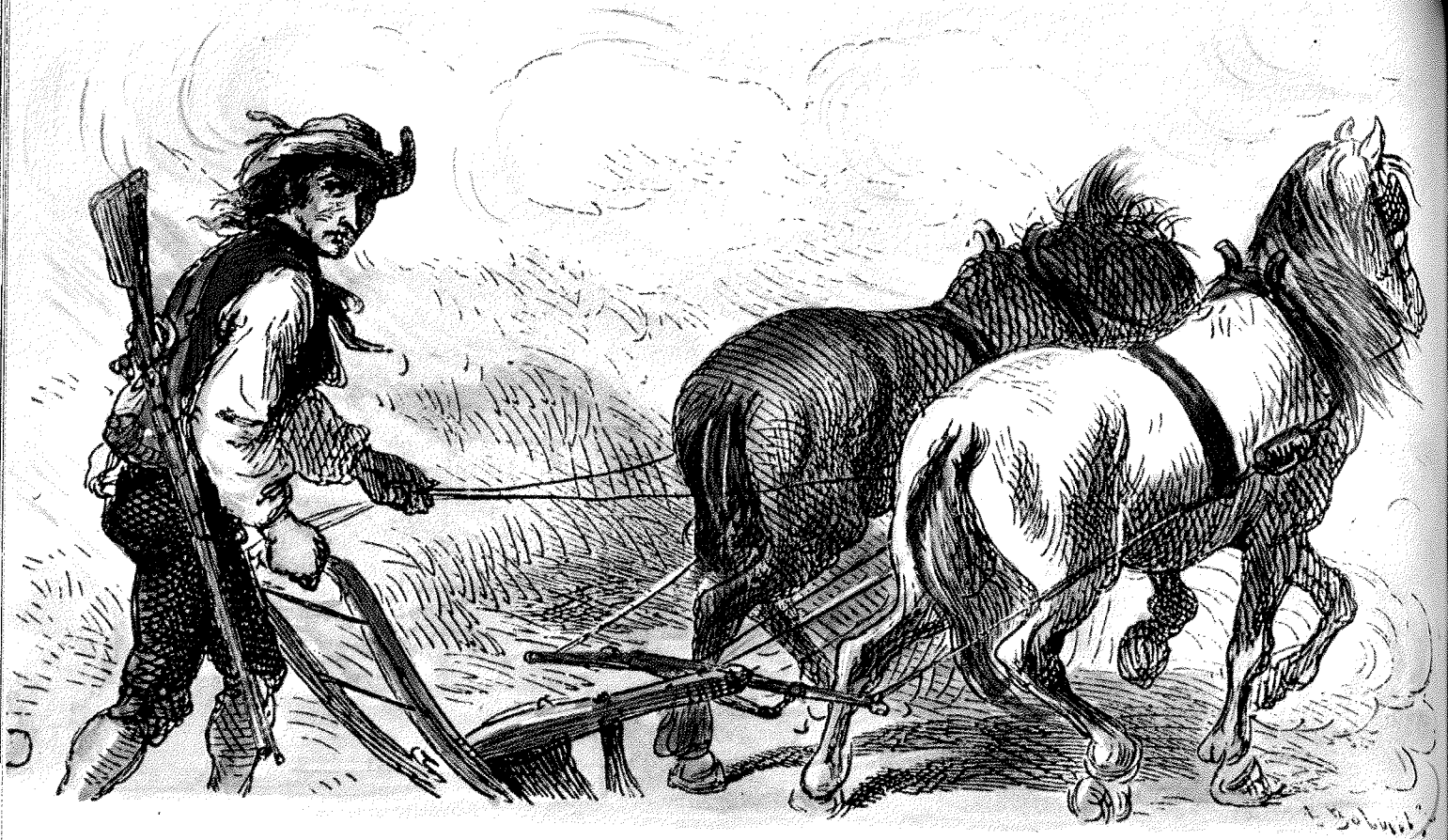
Freedom of speech does have limits. People cannot use this freedom to harm others or to break the law. An example is yelling "Fire!" in a crowded theater just for fun. People don't have this freedom because someone might get hurt in the rush to escape the theater.

Freedom of the press means the freedom to report news and express opinions in newspapers and in other ways. In the colonies, British officials had closed down newspapers and smashed printing presses. Like freedom of speech, freedom of the press has limits. For example, it does not include the freedom to spread lies about other people.

The First Amendment also protects people's right to assemble (gather in groups) and their right to petition (ask the government to correct injustices).

The First Amendment protects citizens' rights to speak out against the government. Anti-war demonstrators, shown here, exercise their right of freedom of speech. These citizens disagreed with U.S. actions in the Persian Gulf conflict in 1991.





Minutemen, like the one shown here, were called to battle at the beginning of the Revolutionary War. Americans in 1789 wanted to be sure citizens could defend themselves, especially since there were no police. So, the Second Amendment was included in the Bill of Rights to protect people's right to "keep and bear arms."

## 15.4 The Second Amendment

The Second Amendment describes the need of states to have a militia, or volunteer army. For this reason, it says that the government cannot take away people's right to "keep and bear (carry) arms," or weapons.

Americans in 1789 wanted to be able to defend themselves. The Revolutionary War had started when militiamen grabbed their muskets to resist British soldiers. Americans remembered how "citizen soldiers" fought the British army to protect their rights. They also wanted to be able to hunt for food and to defend their families. In 1789, there were no police to protect people. In addition, many Americans lived in the countryside and feared attacks by Native Americans and outlaws.

Today, the Second Amendment protects the right to own hunting rifles and certain other kinds of guns. However, people argue whether every citizen has the right to own any type of gun. Many people say no. They are disturbed by violent crimes, accidental shootings, and other events involving firearms. They think that there should be laws controlling who can own and carry guns. Others argue that such laws are forbidden by the Second Amendment. They do not think that citizens should lose the right to carry guns just because some people misuse them.

## 15.5 The Fourth Amendment

The Fourth Amendment forbids “unreasonable searches and seizures” by police and other officials. *Seizure* means taking away property by force. The Fourth Amendment says that searches and seizures cannot be performed without a good reason.

In 1789, Americans wanted to protect their right to safety and privacy. British officials could go into colonists’ homes, shops, and barns without warning. They didn’t need a good reason to suspect that a crime had been committed. They could seize anything they liked and use it as evidence in court.

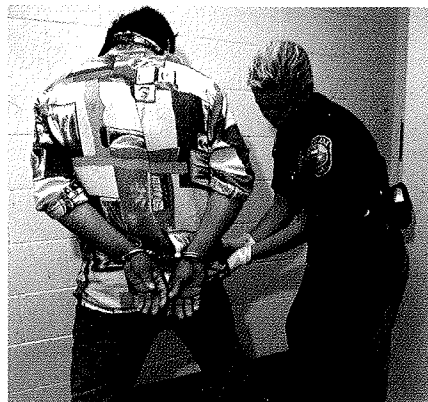
The Fourth Amendment limits the power of police to search people or to invade their homes and businesses. Most searches require a warrant (an order from a judge). The Amendment says that officials must show “probable cause” (good reason) to obtain a warrant. This means convincing the judge that the search is likely to uncover evidence of a crime. In addition, police can search only for the specific items that are listed in the warrant.

The Fourth Amendment protects citizens from the power of the police and other officials who enforce laws. If a search or seizure violates the Fourth Amendment, the evidence cannot be used in court.

Over the years, 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 they must have good reason to believe that the car is involved in a crime.

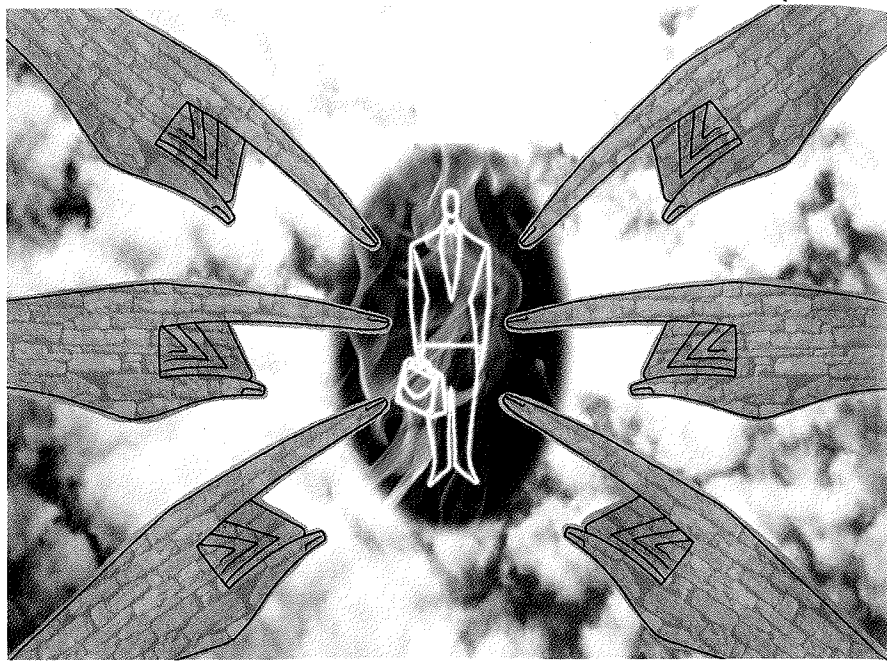


In 1789, Americans wanted to protect their right to safety and privacy. Before the Revolutionary War, British officials, like those pictured here, could go into colonists’ homes or shops without warning. They could search their possessions and take anything they wanted to use as evidence in court.



The Fourth Amendment limits the power of police to search people. The officer shown here must either have a search warrant or “probable cause” to conduct this search.

A person accused of a crime is protected by the Fifth Amendment from having to give evidence against himself or herself in court. The expression "I take the Fifth" means "I choose to remain silent."



## 15.6 The Fifth Amendment

The Fifth Amendment protects the rights of Americans who are suspected of a crime. British law had similar protections, but courts in the colonies did not always respect them. Americans wanted to make sure that police and courts treated them fairly.

The Fifth Amendment protects citizens against "double jeopardy." *Jeopardy* means danger, such as the danger of losing freedom by being put in jail. This protection means that people cannot be put on trial or punished 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 with a different jury. The government can ask for another trial only if a jury cannot come to a decision.

The Fifth Amendment also says that people cannot be forced to be witnesses against themselves. Witnesses are people who give evidence. The amendment protects people from being forced to say things that can be used against them. In some countries, even innocent people have been tortured until they confessed (admitted) to crimes. In the United States, confessions must be given freely. People accused of a crime have the right to say nothing at all. In addition, when making arrests, police must tell citizens that they have this right.

The Fifth Amendment also says that people cannot be punished or lose their property without "due process of law." *Due process* means proper legal procedures, such as a fair trial.

**jury:** a group of citizens who decide the outcome of a trial

## 15.7 The Sixth Amendment

The Sixth Amendment describes additional rights of people who are accused of crimes. It guarantees the right to a fair trial. It also guarantees the right to have a lawyer.

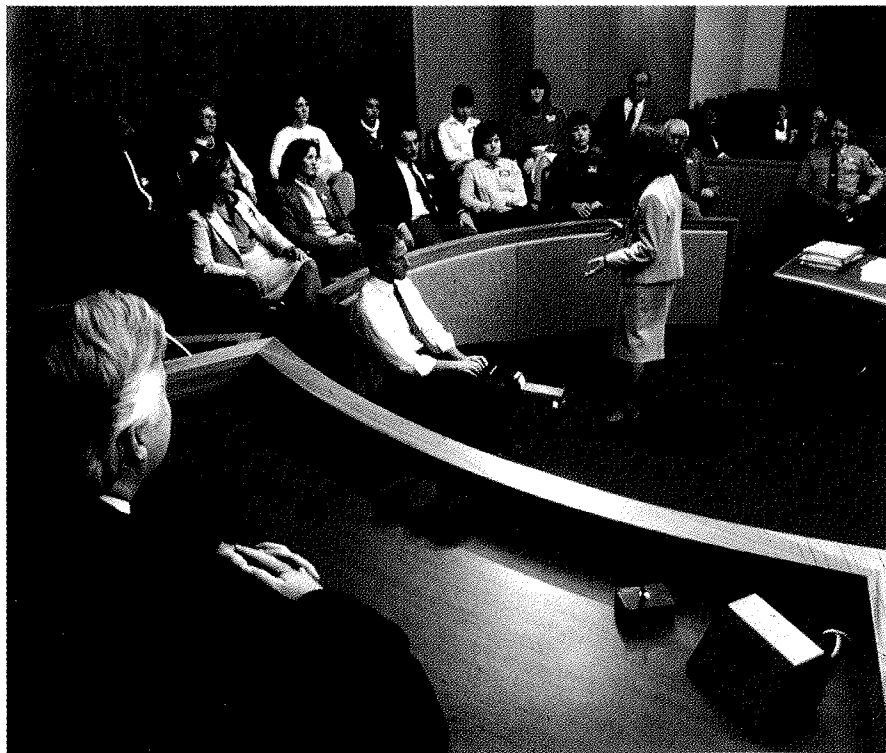
Both British law and the Constitution included the right to a trial by jury. Americans wanted to make sure that a jury trial was also a fair trial.

The Sixth Amendment says that trials must be speedy and public. *Speedy* means that people cannot be kept in jail for a long time without a trial. *Public* means that trials cannot be held in secret. Accused persons also have the right to present witnesses and to question witnesses 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. The Supreme Court threw out the jury’s decision. It said that the jury was not impartial because only white people were on the jury.

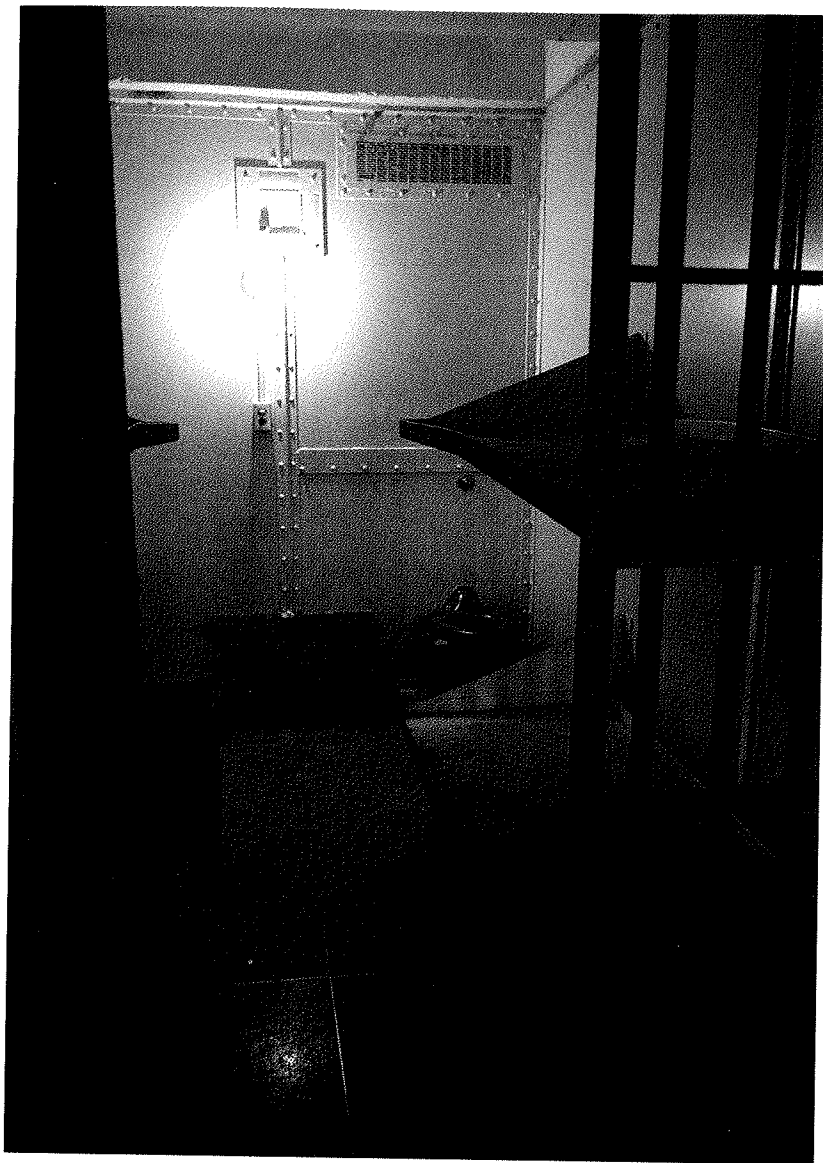
Finally, the Sixth Amendment protects the right of accused people to have a lawyer. Courts have extended this protection to people who cannot afford to hire a lawyer. If an accused person is too poor to pay a lawyer, the government must provide one.

**prejudiced:** having a negative judgment or opinion without knowledge of the facts



The Sixth Amendment guarantees the rights of people who are accused of a crime. Among those rights are the right to a fair, speedy public trial and the right to a lawyer. Here, a lawyer talks to the jury.





The Eighth Amendment protects citizens' rights to fair and reasonable punishment when they break the law. Courts can sentence criminals to time in jail, like the one pictured here. But the Eighth Amendment forbids "cruel and unusual" punishments, like cutting off a thief's hand.

1700s were often very harsh. For example, a thief could have a hand cut off. People who owed money could be put in jail with little chance of ever getting out.

Over the years, courts have applied this protection to people in prison, as well. For instance, not giving prisoners enough food is cruel and unusual punishment.

Americans often find it hard to decide whether a punishment is "cruel and unusual." For example, they disagree about the death penalty, also called *capital punishment*. Many people think that the death penalty is fair for murder and certain other very serious crimes. Others argue that taking someone's life is always too harsh a punishment.

Courts have ruled that the Eighth Amendment does not forbid the death penalty. Even so, some states do not allow capital punishment.

## 15.8 The Eighth Amendment

The Eighth Amendment protects citizens' rights 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 (money penalties) for breaking the law. The amendment says that fines cannot be "excessive," or unreasonable. 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 pays to get out of jail while waiting for a trial. But the amendment doesn't force courts to allow bail in all cases. For instance, a judge can deny bail to someone accused of murder.

Most important, the Eighth Amendment forbids "cruel and unusual" punishments. Americans wanted this protection because punishments for crimes in the

## **15.9 Other Rights Protected by the Bill of Rights**

The Bill of Rights protects several other rights and liberties as well.

The Third Amendment says that Americans cannot be forced to let soldiers stay in their homes. The Seventh Amendment protects people's right to settle disputes with a trial by jury. For example, someone injured in a car accident might want the driver to pay for hospital expenses. The amendment states that people can demand a jury trial to settle arguments over things of value.

The Ninth Amendment says that the Constitution's list of rights is not meant to be complete. Other rights that Americans have include the freedom to choose where to live and what kind of work to do.

The Tenth Amendment limits the power of the national government. It says that the government has only those powers that are listed in the Constitution. All other powers belong to the states or to the people.

### **15.10 Chapter Summary**

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

The 10 amendments in the Bill of Rights protect several important rights and liberties. For example, Americans are free to choose their religion. They can speak and publish their opinions. They can own guns. They have protection against unreasonable actions by police and courts.

Many Americans take the Bill of Rights for granted. But in 1789, few people in the world had these rights and freedoms. Even today, many governments around the world do not respect them.

When the Bill of Rights was written, the United States was still a small country. Sixty years later, it stretched all the way to the Pacific Ocean. How did this great expansion happen? And what happened to the people who were already living in the vast areas to the west? Read on to find out.