

Exploring *The Bill of Rights*

1. Amendment	2. Summarized in my own words	3. How does this limit the power of government? (individual rights)	4. How does this promote democracy? (the common good)	5. Importance to You (1-10)
First Amendment				
Second Amendment				

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Third Amendment				
Fourth Amendment				

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Fifth Amendment				
Sixth Amendment				

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Seventh Amendment				
Eighth Amendment				

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Ninth Amendment				
Tenth Amendment				

Teacher Reference Guide

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First Amendment	The First Amendment states that no national religion will be established. This amendment also protects the freedom of religion, speech, press, assembly and petition for all citizens.	This amendment prohibits the government from creating a state religion. The Court, beginning with <i>Everson v. Board of Education</i> (1947), without dissent on this point, declared that the Establishment Clause forbids not only practices that “aid one religion” or “prefer one religion over another,” but as well those that “aid all religions.” While this amendment protects the absolute right of belief, actions in the name of religion may be limited if they are narrowly tailored to meet a compelling state interest. The government cannot unreasonably limit a citizen’s freedom to express his/her opinions (as an individual or as a group). The bulk of this amendment is dedicated to the more broadly defined category of expression. Freedom of religion, speech, press, assembly and petition are aspects of expression.	This amendment allows citizens to peacefully protest government actions or policy without threat of bodily harm. This promotes democracy by serving as a vehicle for the public to thoughtfully weigh in on government actions that impact their daily lives.
Second Amendment	The Second Amendment states that each State should have the ability to protect itself from outside attacks. This Amendment also allows citizens the opportunity to own a gun.	This Amendment ensures that a citizen can protect themselves from attack on their person or to their family. Because this Amendment refers to a State militia instead of a national military it promotes federalism and limits the power of the national government. In addition, the Supreme Court has recently found an individual right to possess firearms which limits both national and state government power.	This Amendment provides citizens with a safe and secure environment in which to live. Seen collectively, this amendment may promote the common good because it allows citizens to protect themselves.

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Third Amendment	<p>The Third Amendment prevents the government from putting troops, like the army or police inside your house. The government can never do this during peacetime unless the homeowner agrees. During wartime, the government must pass a law to put troops in people's homes.</p>	<p>Because this amendment says the government cannot do something, it is a direct limit on the government's power.</p>	<p>People need to feel free in their thoughts and helps promote democracy by enabling people to feel free in their discourse about public issues in their homes. The amendment requires people to consent to have troops in their homes when the country is not at war. This places control in the hands of the people. During wartime, congressional approval is needed, again placing control in elected representatives.</p>
Fourth Amendment	<p>The Fourth Amendment protects citizens, their homes and their stuff from unreasonable search and seizures.</p>	<p>The government must have probable cause before they can enter a home or take property. This limits government action against citizens due to the word "reasonable." The insistence of a warrant protects an individual's privacy. While the amendment guarantees the right to be free from unreasonable searches and seizures, how the court translates this guarantee in concrete ways has been the subject of many court cases. The Court has traditionally withheld use of evidence (exclusionary rule), but over the years exceptions to the exclusionary rule have substantially curbed the use of the exclusionary rule as a remedy for a Fourth Amendment violation.</p>	<p>Democracy promotes a variety of ideas and views. This amendment protects unpopular groups from being destroyed by government searches and seizures of their papers and effects (Ex.: Communists, Third Parties...). The Fourth Amendment and the accompanying exclusionary rule operate to make sure that government agents follow the law.</p>

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Fifth Amendment	This Amendment states a person cannot be tried for the same crime twice (double jeopardy). A person does not have to take the witness stand in his or her own trial. It also guarantees some procedural safeguards – certain processes must be afforded to people before life, liberty or property can be taken away. It also prevents the government from taking your property without fairly compensating you for it.	The government cannot keep taking a person to court until they receive the sought for verdict. The government is unable to take what belongs to any individual without paying a reasonable price for the property. (eminent domain) . The Fifth Amendment outlines basic constitutional limits on police procedure. The guarantee of due process for all citizens requires the government to respect all rights, guarantees, and protections afforded by the U.S. Constitution and all applicable statutes before the government can deprive a person of life, liberty, or property	This amendment helps protect private property rights. This Amendment ensures that a person cannot be forced to plead guilty or constantly pursued by the government for a crime.
Sixth Amendment	This Amendment focuses on criminal trials. People have a right to: counsel, a speedy trial, an impartial jury, a trial in the State where the crime was committed, be informed of accusations, allowed to face witnesses against them while being able to provide witnesses in their own defense.	Judicial procedures to protect individuals from “kangaroo courts” or suffering dire consequences based on false accusations. This provides for an equitable judicial process for all people by providing safeguards for a fair trial. Because “a general grant of jury trial for serious offenses is a fundamental right, essential for preventing miscarriages of justice and for assuring that fair trials are provided for all defendants.” The right to effective assistance of counsel protects individuals from government overreach and ensures the ability of individuals to assert other rights.	Decisions in criminal courts are based on the decision of peers – citizens- instead of one governmental official. The rights of the accused help to promote democracy by protecting people from government persecution by providing procedural protections to the people.

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Seventh Amendment	In this Amendment citizens are again safeguarded during trials through the use of a jury in civil cases.	This amendment limits the government from having a bench trial for cases in law (this is distinguishable from cases seeking an equitable remedy). Thus, civil juries are required in civil cases upon demand. The Court has reasoned that its Seventh Amendment precedents “require[ed] trial by jury in actions unheard of at common law, provided that the action involves rights and remedies of the sort traditionally enforced in an action at law, rather than in an action at equity or admiralty.” The Court has held that the 7 th Amendment requires a jury trial upon demand, if a law statute creates legal rights and remedies, enforceable in an action for damages in the ordinary courts of law.”	Verdicts in civil courts are based on the decision of peers – citizens- instead of one governmental official. Although the judge does have leeway to set aside a verdict.
Eighth Amendment	This Amendment focuses on punishments for those found guilty of committing a crime. It states that no excessive bails or fines and be determined. Nor can cruel or usual consequences be used as punishment.	<p>This Amendment sets limits on government action involving the imposition of fines, bails, and punishments.</p> <p>Bail is “excessive” in violation of the Eighth Amendment when it is set at a figure higher than an amount reasonably calculated to ensure the asserted governmental interest.</p> <ul style="list-style-type: none"> • The Excessive Fines Clause was intended to “limit only those fines directly imposed by, and payable to, the government” but has been extended to civil forfeiture laws. • Interpretation of “cruel and unusual punishment” must draw its meaning from the evolving standards of decency that mark the progress of a maturing society. The death penalty debate centers around what constitutes cruel and unusual punishment. • Arbitrary and irrational punishment violates the 8th 	These prohibitions of governmental action ensure fundamental fairness in punishment by the courts. This promotes the common good because people know that when the law is violated fair punishment will be meted out.

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Ninth Amendment	This Amendment says a specific grant of rights to the people does not by itself mean that they are restricted to just those rights.	The government should not be able to limit any rights omitted from the Constitution. In other words, just because certain rights of the people are listed in the Constitution, does not limit the other rights that they have.	Limits any expansion of government power not specifically stated in the Constitution.
Tenth Amendment	Any power not given to the federal government and not expressly prohibited to the states belong to the states and the people.	Unless explicitly stated or inherently found in an expressed grant of power, the authority of the federal government is limited. This amendment helped appease concerns raised by the Anti-Federalists and further clarified that the federal government was one of enumerated (delegated powers).	It helps to ensure that the federal (national) government will not expand its powers to trample the rights of the people or the powers of the states.