

BACKGROUND:

The Anti-Federalists believed that the Constitution should clearly protect speech, religion, and other rights. Many Federalists agreed.

They insisted that the Constitution needed a bill of rights to make the nation's citizens truly free. The first Congress proposed a series of amendments to the Constitution in 1789.

The first ten amendments, known as the **Bill of Rights**, were added to the Constitution in 1791. They embody those principles in the Declaration of Independence that claim the right to "life, liberty, and pursuit of happiness."

I. THE BILL OF RIGHTS:

- The first 10 amendments to the Constitution.
- Amendment = written change to the Constitution.
- Added so all 13 states would ratify the Constitution.

Cause

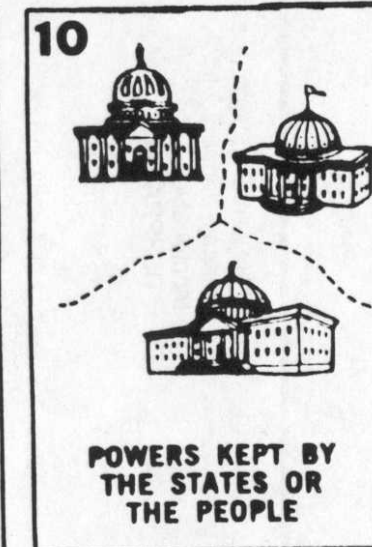
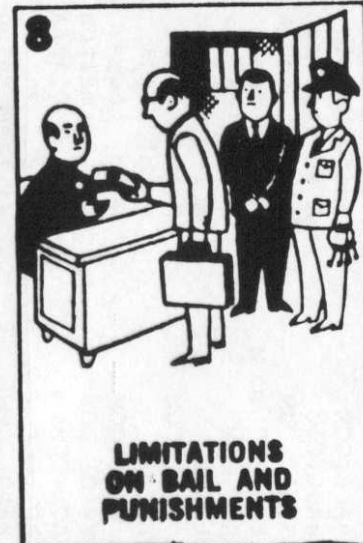
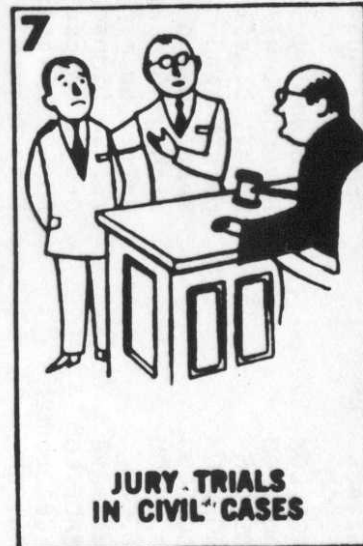
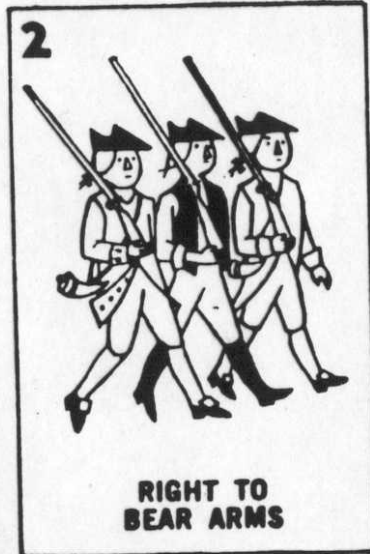
- King George III had limited colonists' liberty
- * America had fought a revolution to protect freedoms
- * Antifederalists wanted a specific list of rights that protected citizens' basic liberties
- * Some states refused to ratify the Constitution unless a bill of rights was added later

Effect

- First 10 amendments identify and guarantee basic rights and freedoms
- * The federal government cannot take away rights spelled out in the Bill of Rights
- **Bill of Rights Added to Constitution in 1791**

THE BILL OF RIGHTS

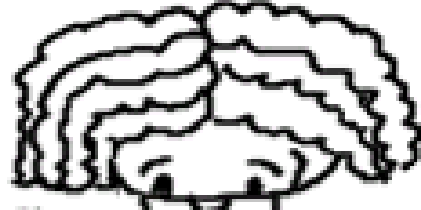
The First Ten Amendments to the U.S. Constitution



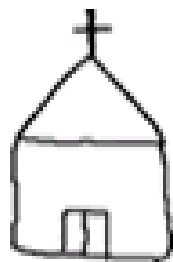
1. 1ST AMENDMENT:

- Freedom of religion, speech, press, peaceful assembly, & petition government

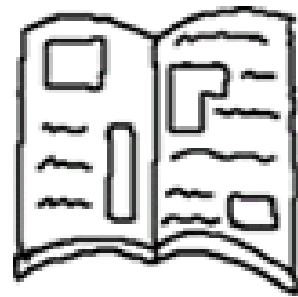
**The First Amendment to
The Constitution of
The United States of America**
**Congress shall make no law respecting an
establishment of religion,
or prohibiting the free exercise thereof;
or abridging the freedom of speech, or of the press;
or the right of the people peaceably to assemble, and
to petition the Government for a redress of grievances.**



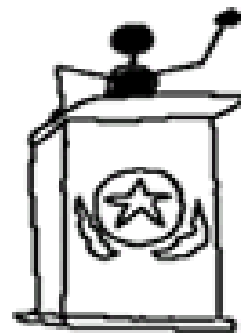
*The First Amendment gives
citizens the freedom of*



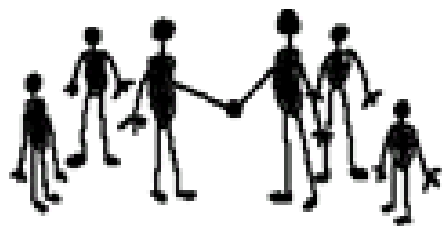
religion



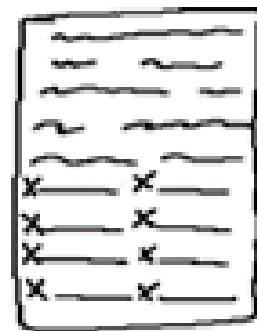
press



speech



assembly



petition

FREEDOM OF RELIGION RESTRICTIONS:

- The Constitution protects religious beliefs, not practice. Religious practice cannot violate civil law.
- Some examples argued in the Supreme Court; polygamy, animal sacrifice, & illegal drug use.

FREE SPEECH RESTRICTIONS:

- **Illegal Speech:** Speech that involves incitement (encouraging violence or illegal activity), false statements (slander), obscenity, threats, and speech owned by others (plagiarism).

MORSE V. FREDERICK (2007)

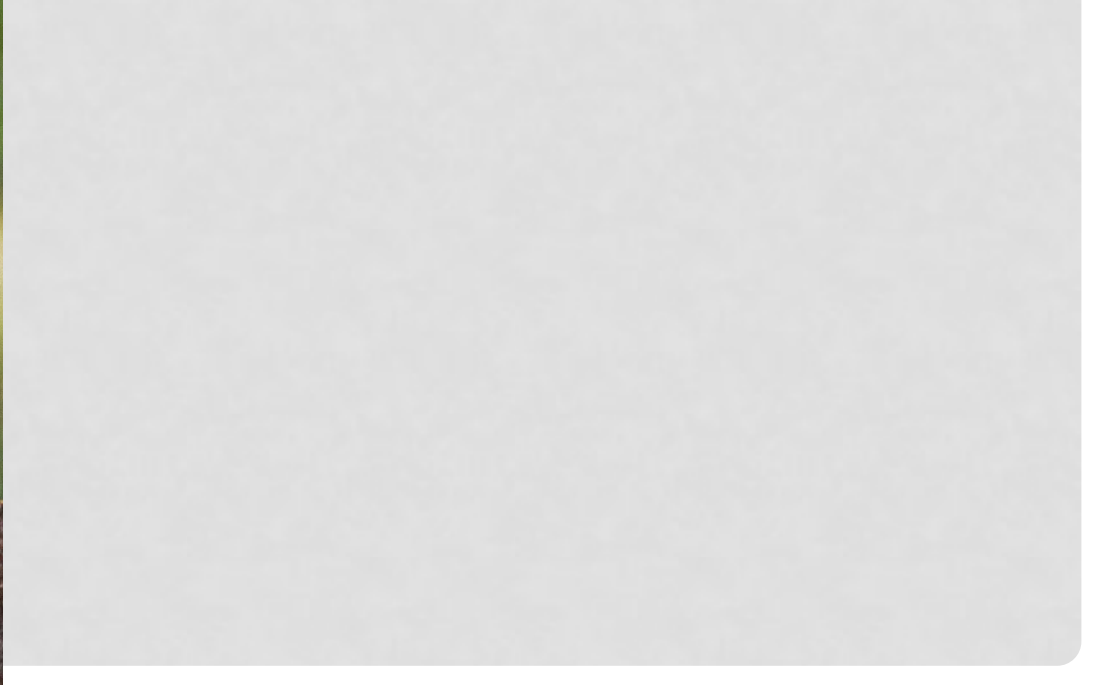
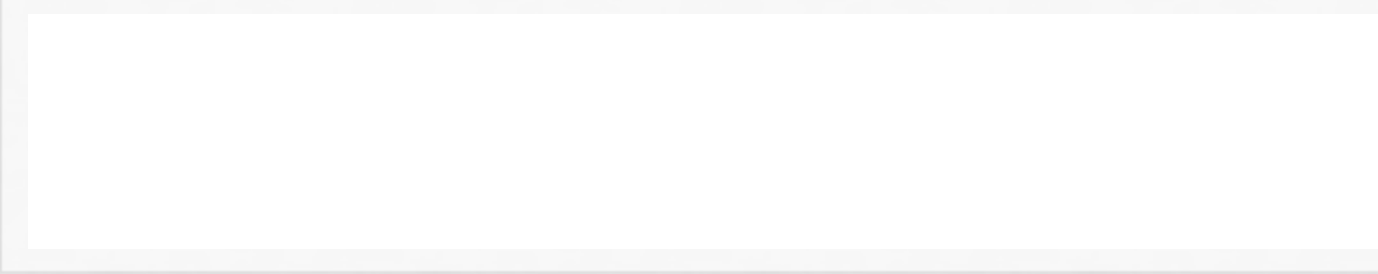
SUPREME COURT DECISION:

(5-4 vote) Frederick's 1st Amendment rights were not violated because;

1. Frederick's sign appeared at a school event, therefore, "School Speech" applied.
2. Frederick's sign was promoting illegal drug use.
3. Based on 3 prior Supreme Court cases, a school administrator may legally restrict your free speech while at a school function.

CT ANDED OD TLDE A TC





Plagiarism

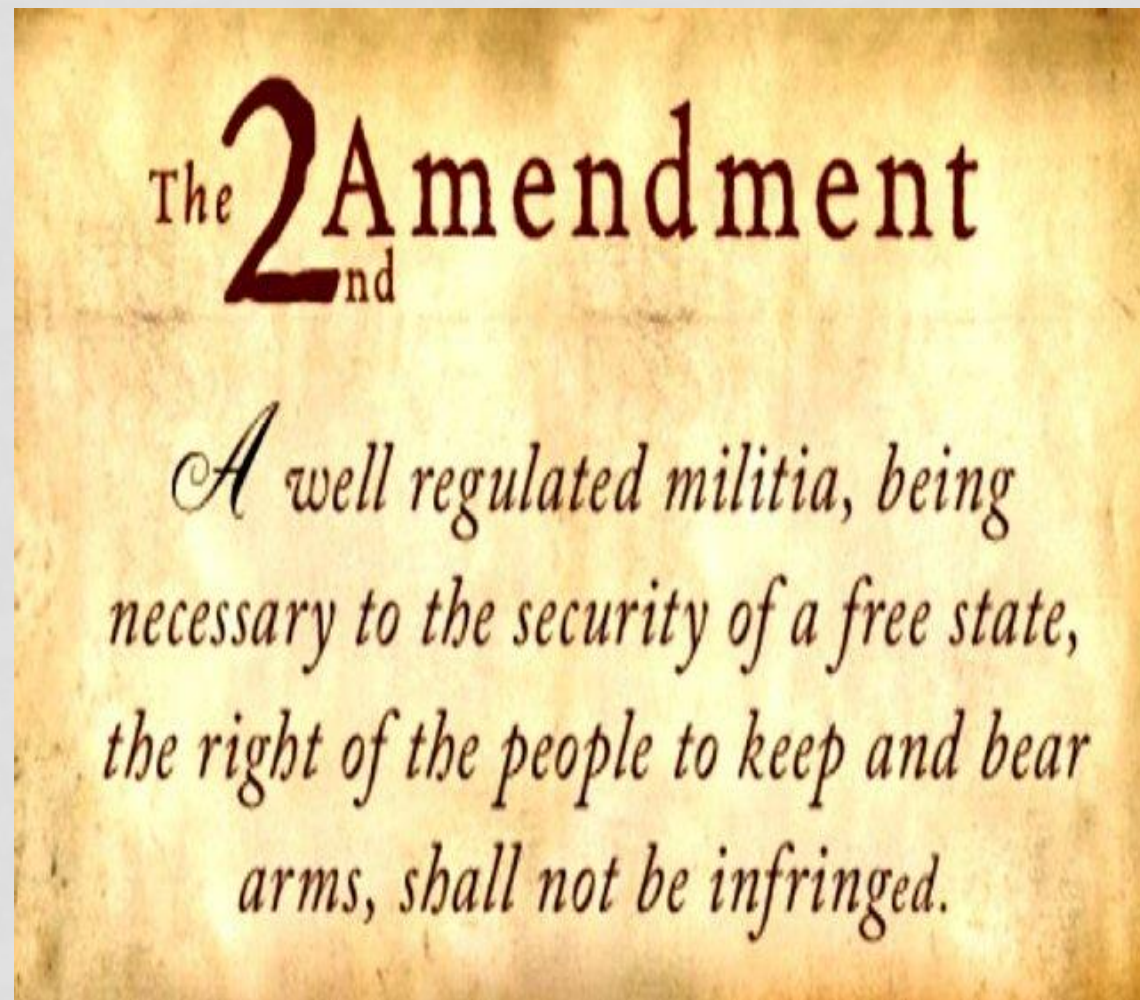
Get Directly
Expelled



Do Not Get an 'A,' Do Not Pass, Do Not Graduate

2. 2ND AMENDMENT:

- Right for states to have a militia.
- Right to keep & bear arms (guns).



FURTHER DISCUSSION: WHAT DID FOUNDING FATHERS MEAN WITH THE 2ND AMENDMENT?

States' Right / Collective Right:

- Right to bear arms applies to the states' right to collect weapons and maintain / train a militia for defense.

Individual Right:

- Right to bear arms applies to the individual's right to own a weapon.



*In the 3 major Supreme Court cases regarding the 2nd Amendment, the court has ruled in favor of the individual right belief.

Do state gun control laws violate the 2nd Amendment?

3. 3RD AMENDMENT:

- No quartering of troops in private homes.

Amendment III.

*No soldier shall, in time of peace
be quartered in any house,
without the consent of the Owner,
nor in time of war,
but in a manner prescribed by law.*



A man dressed in a historical costume, including a tall, shiny brass helmet and a dark blue jacket with red velvet trim, is smiling and holding a large white sign. The sign has the text "REPEAL THE THIRD AMENDMENT" written in large, bold, black, hand-painted letters. He is also wearing a black mustache. The background shows other people and trees, suggesting an outdoor event.

REPEAL
THE THIRD
AMENDMENT

4. 4TH AMENDMENT:

- Freedom from unlawful search & seizure of private property.



Fourth Amendment

To the U. S. Constitution

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

File No.

STATE OF NORTH CAROLINA

Alamance County

In The General Court Of Justice
District/Superior Court Division

SEARCH WARRANT

IN THE MATTER OF

Andrew Milne

Date Issued 5/5/2009 Time Issued 11:11 AM PM

Name Of Applicant
Detective K. Blackwelder

Name Of Additional Affiant
Lt. C. Ring

Name Of Additional Affiant

RETURN OF SERVICE

I certify that this Search Warrant was received and executed as follows:

Date Received 5/5/2009 Time Received 11:11 AM PM

Date Executed 5/6/2009 Time Executed 0730 AM PM

I made a search of 700 East Angerm
Avenue Building H Room 102-B

To any officer with authority and jurisdiction to conduct the search authorized by this Search Warrant:

I, the undersigned, find that there is probable cause to believe that the property and person described in the application on the reverse side and related to the commission of a crime is located as described in the application.

You are commanded to search the premises, vehicle, person and other place or item described in the application for the property and person in question. If the property and/or person are found, make the seizure and keep the property subject to Court Order and process the person according to law.

You are directed to execute this Search Warrant within forty-eight (48) hours from the time indicated on this Warrant and make due return to the Clerk of the Issuing Court.

This Search Warrant is issued upon information furnished under oath by the person(s) shown.

Date 5/5/09 Signature [Signature] Deputy CSC Assistant CSC CSC Magistrate District Ct. Judge Superior Ct. Judge

_____ as commanded.

- I seized the items listed on the attached inventory.
- I did not seize any items.
- This Warrant WAS NOT executed within forty-eight (48) hours of the date of issuance and I hereby return it not executed.

Signature Of Officer Making Return [Signature]

This Search Warrant was returned to me on the date and time shown below.

Department Or Agency Of Officer Town of Elon Police Dept Incident Number 09050008 Date 5/6/2009 Time 12:15 AM PM Signature [Signature] Deputy CSC Assistant CSC Clerk Of Superior Court

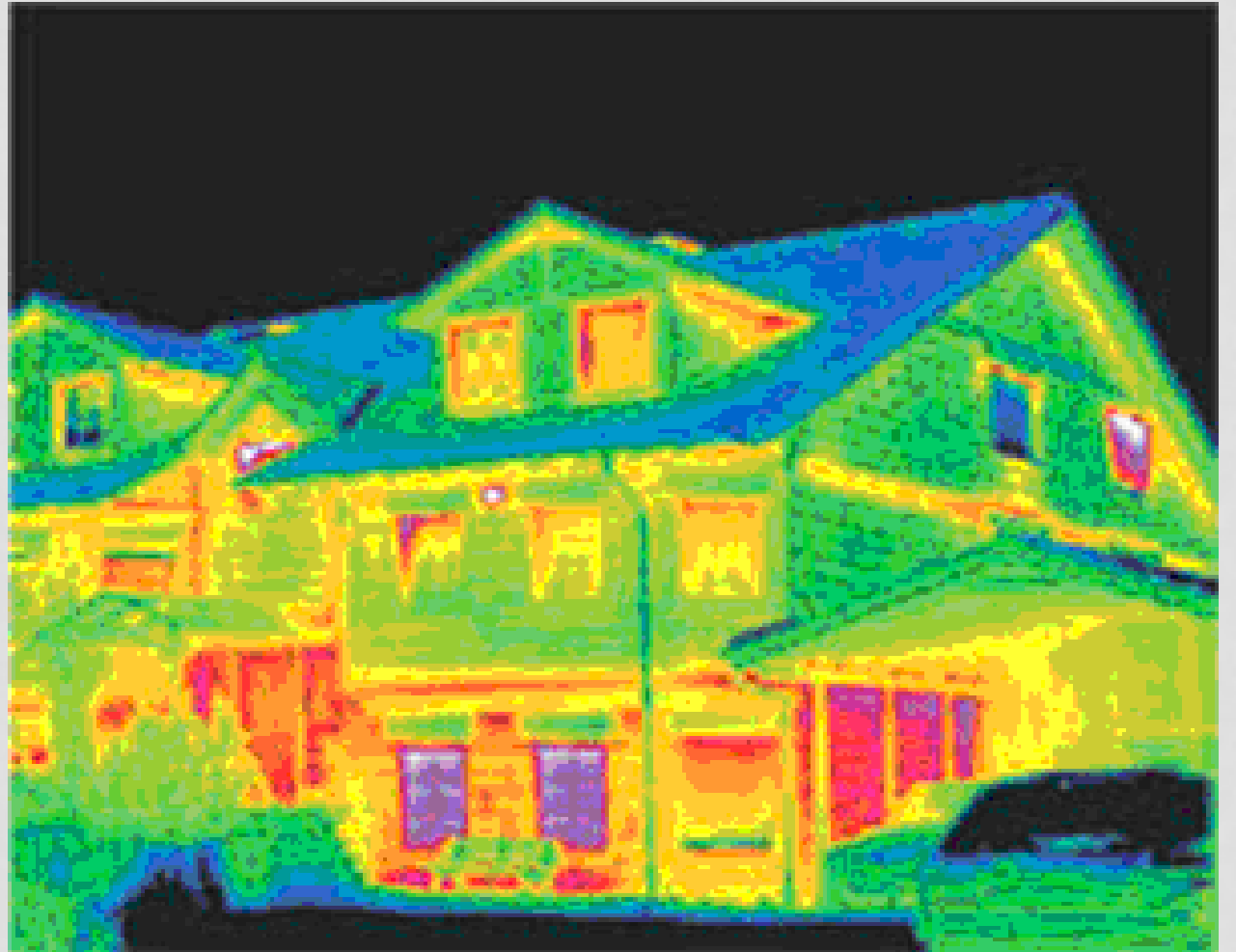
ORIGINAL

KYLLO V. UNITED STATES (2001):

SUPREME COURT DECISION:

(5-4 vote) Kylo's 4th
Amendment rights were
violated because;

1. Thermal imaging constitutes a search which would require law enforcement to get a warrant.
2. Law enforcement did not attain a search warrant to thermal scan Kylo's home.



NSA & THE 4TH AMENDMENT:



5. 5TH AMENDMENT:

- Freedom from self-incrimination; you do not need to testify against yourself.
- Freedom from double jeopardy; cannot be tried for the same crime twice.


“No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

Fifth Amendment of the United States Constitution
(due process, double jeopardy, self-incrimination, eminent domain)



Did you throw dog feces at your neighbor?

I plead the 5th.



Did you attack
your son with a
lightsaber?!

I plead the 5th.

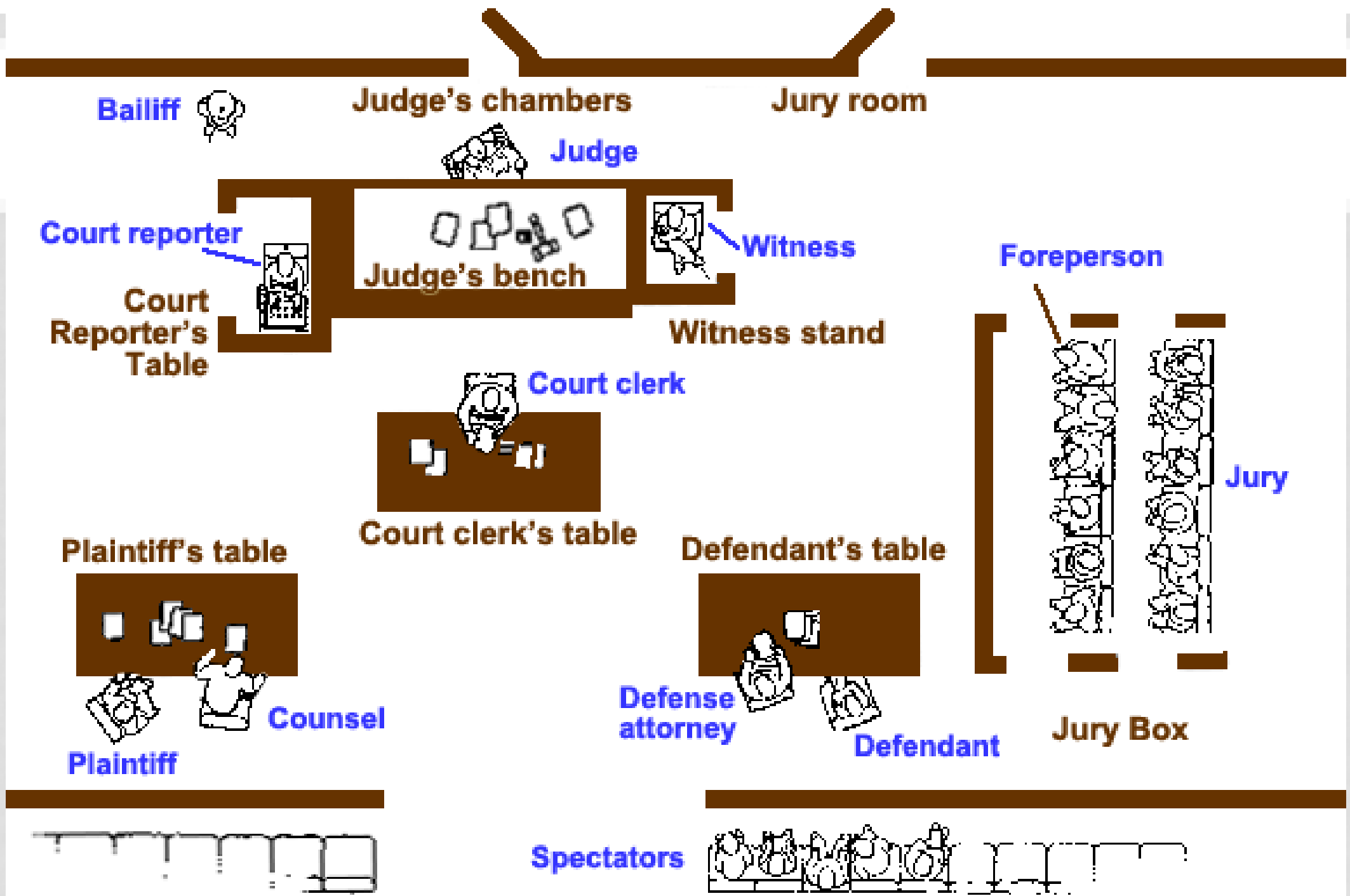
6TH AMENDMENT:

- Right to a Fair Trial:

- Right to be defended by a lawyer.
- Right to be tried by an impartial (fair) judge & jury.
- Right to call witnesses at your trial.
- Right to a speedy and public trial.
- Right to know the charges against you.

The Sixth Amendment of the U.S. Constitution

*"In all criminal prosecutions, the accused shall enjoy the right to a **speedy** and **public** trial, by an **impartial** jury of the **State and district** wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be **confronted** with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the **Assistance of Counsel** for his defence."*



Bailiff

Judge's chambers

Jury room

Judge

Court reporter

Witness

Judge's bench

Foreperson

Court Reporter's Table

Witness stand

Court clerk

Court clerk's table

Plaintiff's table

Defendant's table

Jury

Plaintiff
Counsel

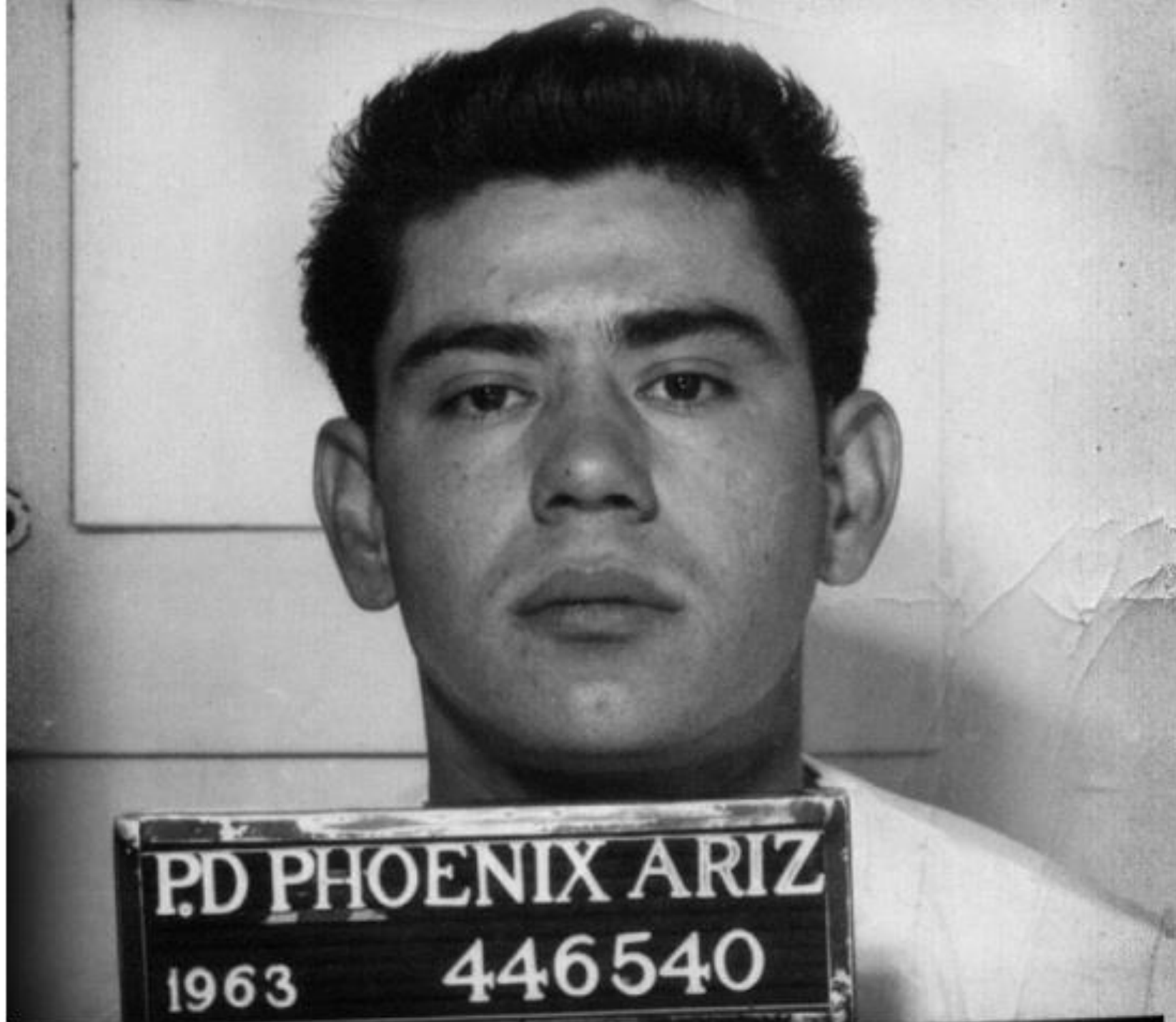
Defense attorney
Defendant

Jury Box

Spectators

MIRANDA VS. ARIZONA (1966):

- Ernesto Miranda was arrested and charged with two crimes and signed a confession to the crimes.
- Miranda was never read his right to remain silent or have an attorney present during questioning.



P.D PHOENIX ARIZ

1963

446540

GIDEON VS. WAINWRIGHT (1963):

- Clarence Gideon was arrested and charged with breaking and entering.
- Gideon could not afford an attorney and was denied an attorney by the state of Florida because his offense was not a capital crime.

"Mr. Gideon, I am sorry, but I cannot appoint Counsel to represent you in this case. Under the laws of the State of Florida, the only time the Court can appoint Counsel to represent a Defendant is when that person is charged with a capital offense. I am sorry, but I will have to deny your request to appoint Counsel to defend you in this case."

- Judge Robert McCrary of the Florida Court, 1961

FLORIDA STATE PRISON

0 0 3 8 2 6

SEPT 11TH 1961

Results Miranda:

- The Supreme Court ruled (5-4) that Miranda's freedom from self-incrimination & right to an attorney was violated.
- His signed confession was therefore not admissible in court.

*Miranda was retried using witnesses and other evidence and convicted of his crimes.

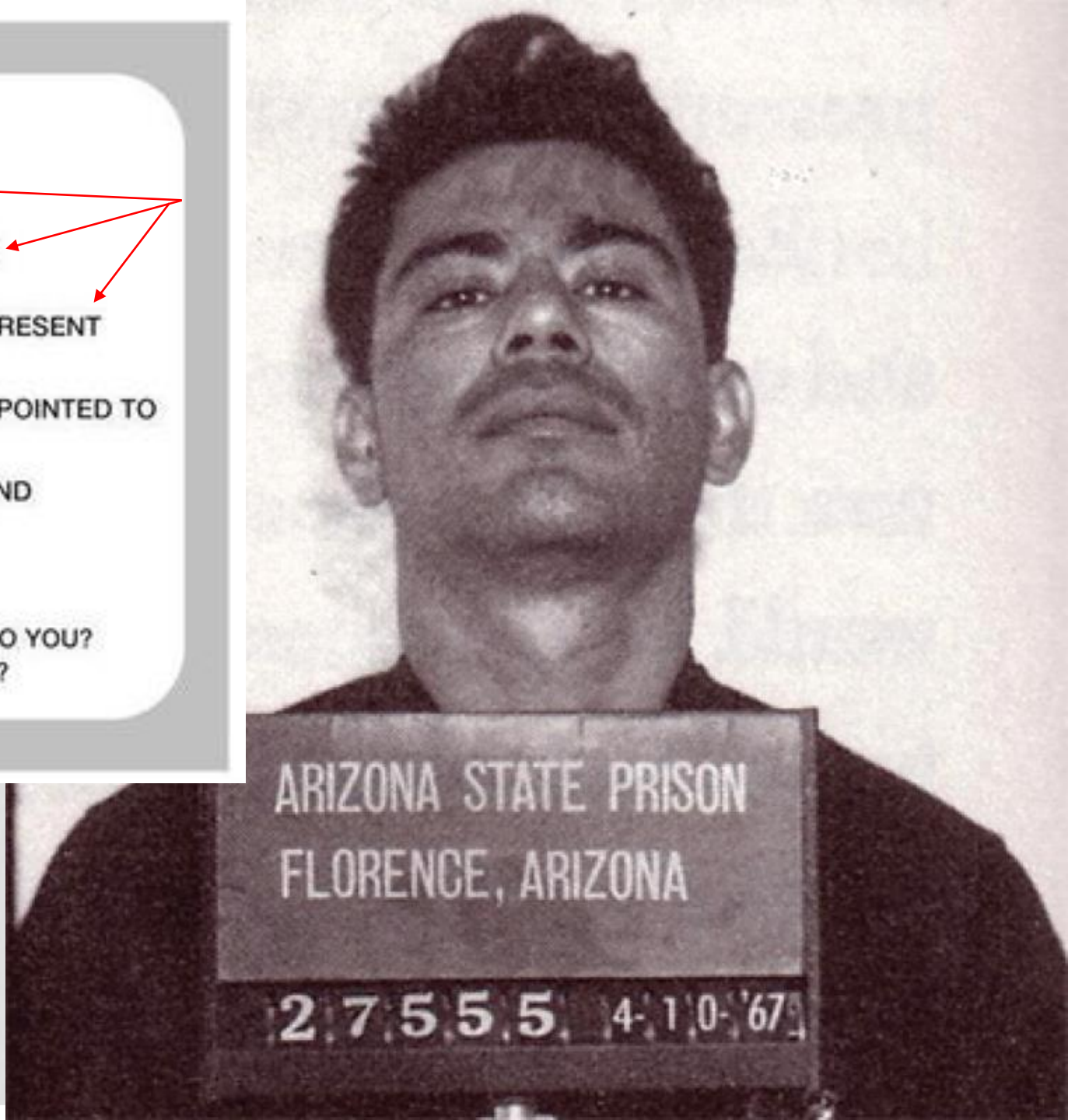
**The rights you here read on TV shows & movies when somebody is getting arrested are called "Miranda Rights".

MIRANDA WARNING

1. YOU HAVE THE RIGHT TO REMAIN SILENT.
2. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.
3. YOU HAVE THE RIGHT TO TALK TO A LAWYER AND HAVE HIM PRESENT WITH YOU WHILE YOU ARE BEING QUESTIONED.
4. IF YOU CANNOT AFFORD TO HIRE A LAWYER, ONE WILL BE APPOINTED TO REPRESENT YOU BEFORE ANY QUESTIONING IF YOU WISH.
5. YOU CAN DECIDE AT ANY TIME TO EXERCISE THESE RIGHTS AND NOT ANSWER ANY QUESTIONS OR MAKE ANY STATEMENTS.

WAIVER

DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU?
HAVING THESE RIGHTS IN MIND, DO YOU WISH TO TALK TO US NOW?



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Results Gideon:

- The Supreme Court ruled that the state must appoint an attorney.
- Over 2,000 individuals that were convicted in Florida were freed.

*Gideon was retried, this time with an attorney and was acquitted (found innocent) on all charges.



 **CBS**
THIS
MORNING
SATURDAY

A CASE THAT CHANGED AMERICA
THE ANNIVERSARY OF GIDEON V. WAINWRIGHT



7. 7TH AMENDMENT:

- Right to a jury trial in civil cases.

Seventh Amendment To The Constitution Of The United States

Rights in civil cases



In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

8. 8TH AMENDMENT:

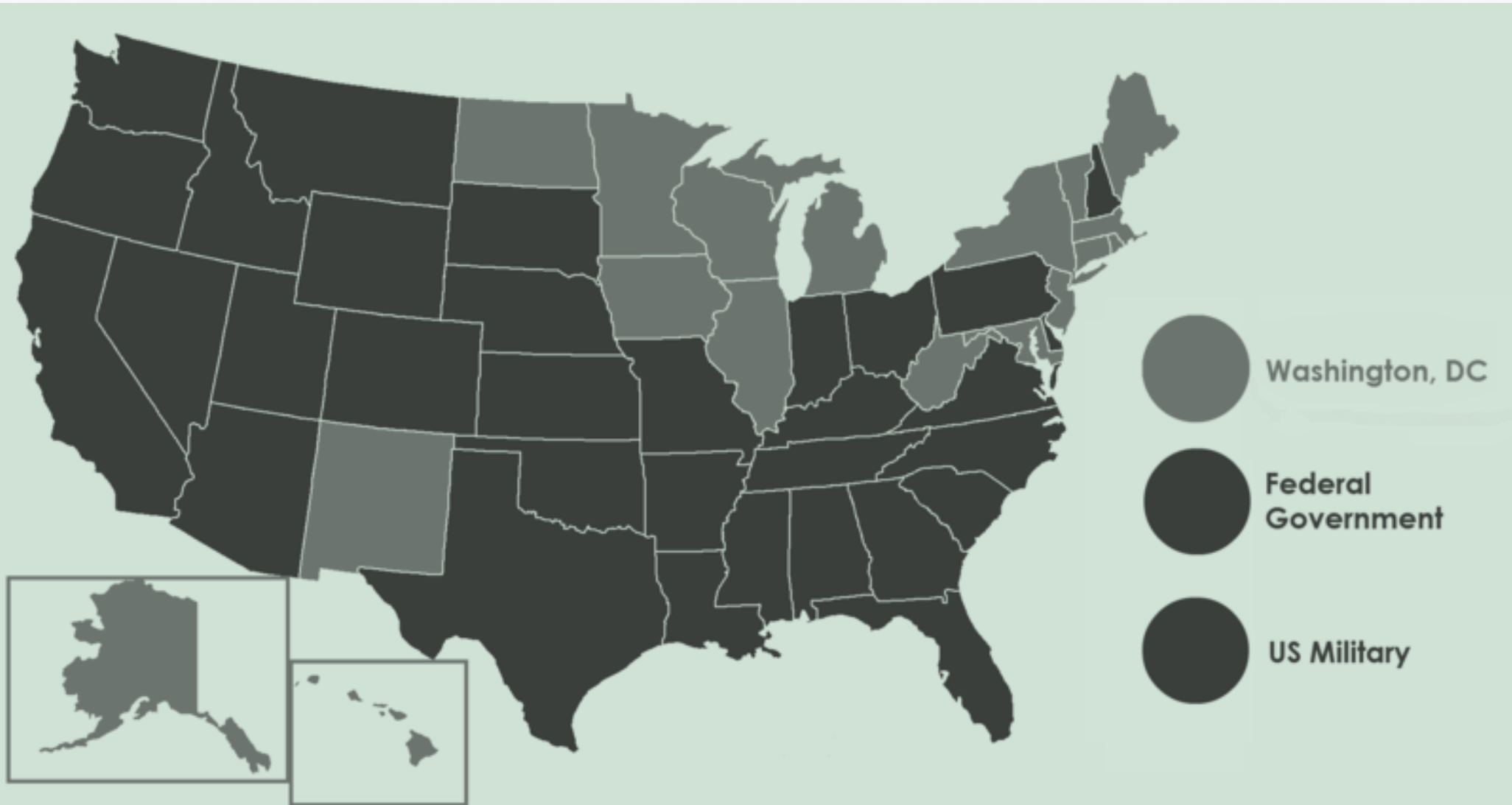
- Freedom from cruel & unusual punishment.



Eighth Amendment

**Excessive bail shall
not be required, nor
excessive fines imposed,
nor cruel and unusual
punishments inflicted.**

DEATH PENALTY IN AMERICA:



TORTURE ILLEGAL IN AMERICA:





9. 9TH AMENDMENT:

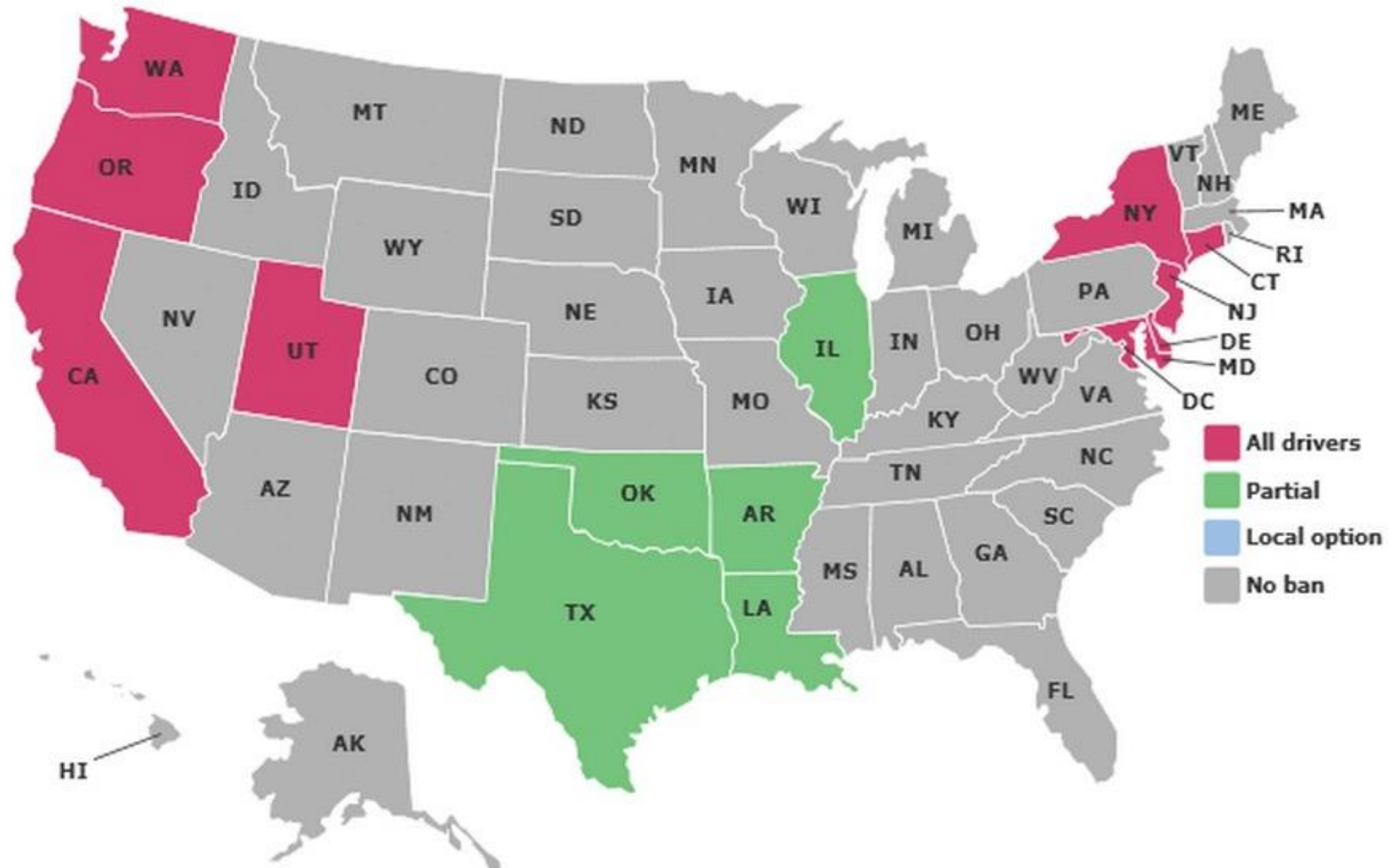
- Protects a citizens rights that are not mentioned in the Constitution.
- Recent uses of the 9th Amendment:
= Right to privacy & equal marital rights.

10. 10TH AMENDMENT

- Powers that are not given to the federal government belong to the states.
- Limits the power of the federal government.

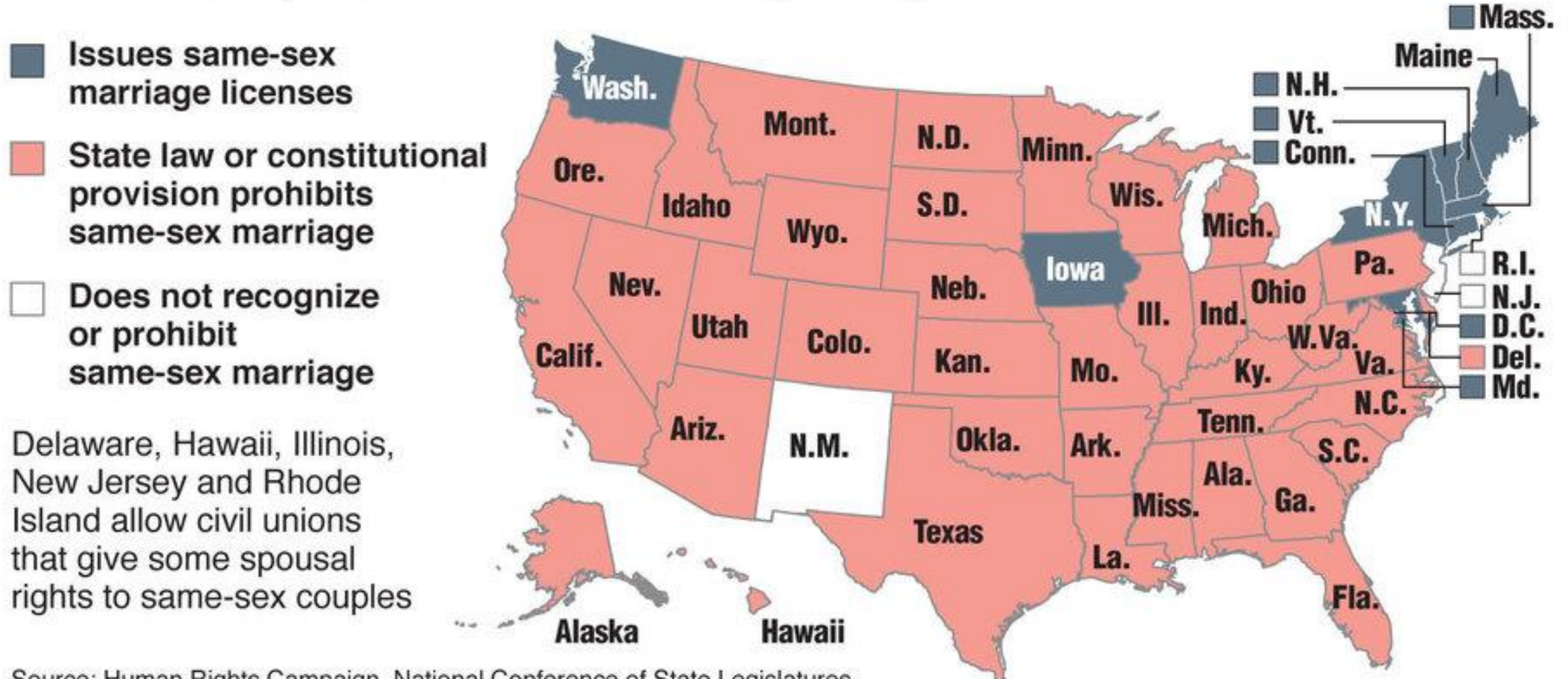
Examples: Driving ages, cell phone use while driving laws, public smoking policies, marriage policies, etc.

Map of hand-held cellphone bans



Same-sex marriage laws by state

The U.S. Supreme Court will hear challenges to California's gay marriage ban and to the federal law known as the Defense of Marriage Act (no state is required to recognize a same-sex marriage from another state). The status of same-sex marriage laws by state:

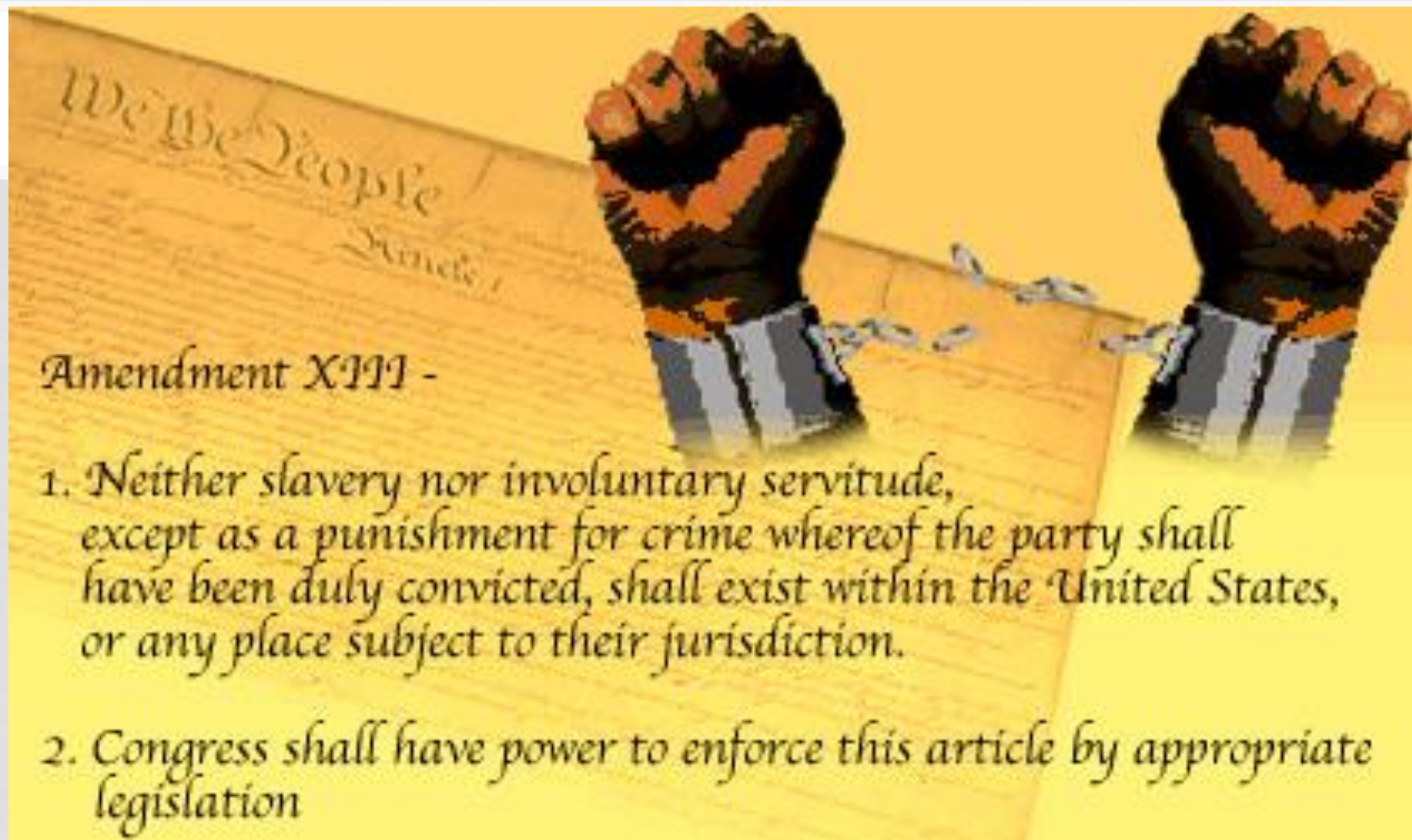


Delaware, Hawaii, Illinois, New Jersey and Rhode Island allow civil unions that give some spousal rights to same-sex couples

*Since the Bill of Rights was ratified, there have been 17 additional amendments added to the Constitution, making a total of 27 amendments.

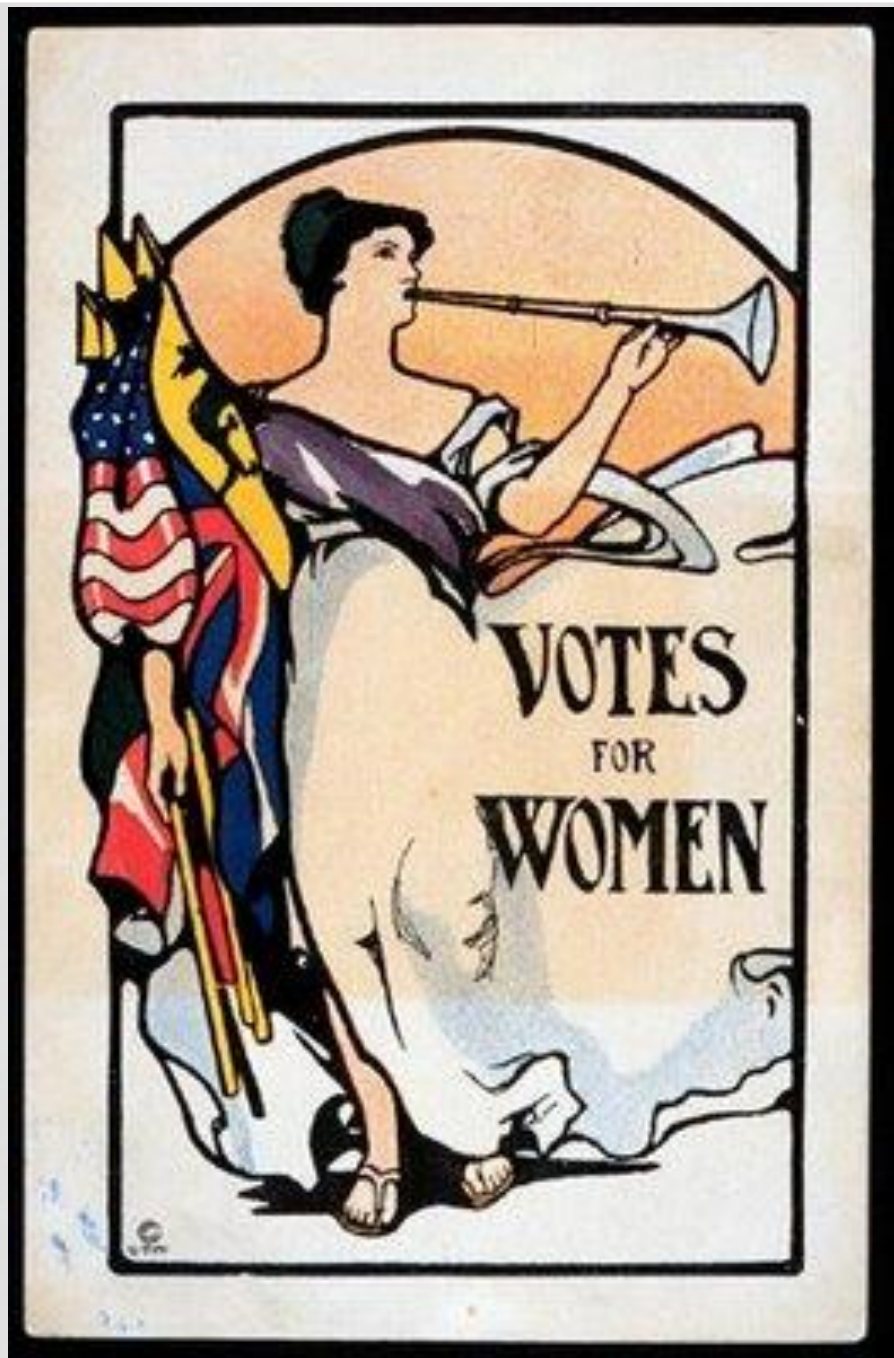
II. OTHER NOTABLE AMENDMENTS:

- 13th amendment (1865) = Abolished slavery.
- 19th amendment (1920) = Gave women the right to vote.
- 22nd amendment (1951) = Limited the President to two terms of office.
- 26th amendment (1971) = Changed the voting age from 21 to 18 years old.



Amendment XIII -

- 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.*
- 2. Congress shall have power to enforce this article by appropriate legislation*



19th Amendment to the Constitution

1920

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

32

Franklin D. Roosevelt 1933-1945



