**The first 10 amendments** **To the U. S. Constitution:**

**Who determines what the Bill of Rights mean?**

* The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ makes rulings on the meaning
* The Supreme Court balances the rights of the individual with the needs of society

**The first amendment— 5 rights mentioned:**

* Freedom of Speech
* Freedom of Religion
* Freedom of the Press
* Freedom of Assembly
* Right to petition the government

**Freedom of Religion:**

* *“Congress shall make no law respecting an establishment of religion or prohibiting the free exercise there of”*
* Two clauses:
  + \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ clause
  + \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ clause

**Establishment and free exercise clause often conflict with each other:**

* In schools, the religion issue is most prevalent
  + If a student raises his hand and says “teacher, can we say an opening prayer before this test”
  + If the teacher says:
  + “Yes”, It looks like establishment of religion
  + “No”, It is denying a student free exercise.

**Establishment Clause—Government cannot promote religion:**

|  |  |
| --- | --- |
| **Establishment clause-Government** | |
| **Cans** | **Cannot** |
| * **Teach about religions in school** * **Allow voluntary prayer in many examples** * **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**   **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**   * **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**   **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | * **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** * **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** * **Teach religious doctrine in the school** * **Pay seminary teachers** * **Teach creationism** |

**Free exercise of religion:**

|  |  |
| --- | --- |
| **Free Exercise** | |
| **Cans** | **Cannot** |
| * **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** * **Lead a prayer in most examples** * **Ask questions about religions** * **Worship who ever you want** | * **Break the law and claim it is religious belief** * **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** * **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**   **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**Freedom of speech:**

* *“Congress shall make no laws . . . abridging the freedom of speech”*

**Free speech– The individual can:**

* Say any political belief
* Protest (without getting out of control)
* Say things about someone that are true
* Burn the flag
* Say racist and hate slogans
* Free speech means someone might say something you disagree with

**Free speech—limits on the person:**

* Threaten to blow up airplanes, schools or the president
* Sexual harassment
* Create too much social chaos
* Extremely crude language in a public form
* Disrespectful, vulgar language in school
* Hate crimes

**Freedom of the press:**

* *Congress shall make no law . . . abridging . . . the freedom of the press.”*

|  |  |
| --- | --- |
| **Freedom of the press-the press** | |
| **Cans** | **Cannot** |
| * **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** * **Make fun of people, especially politicians** * **Expose wrongs by the government** * **Say things you might not agree with** | * **Libel– intentionally injuring a person’s reputation by false facts** * **Disclose defense-security secrets** * **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**   **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**Freedom of Assembly:**

* *Congress shall make no law . . . Abridging . . . The people to peaceably assemble”*

|  |  |
| --- | --- |
| **Freedom of Assembly--Individual** | |
| **Cans** | **Cannot** |
| * **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** * **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (with a permit)** * **Parade chanting hate slogans** * **Gang members can congregate in public** | * **Protest by throwing rocks and breaking windows** * **Hang out on private land against owners will—loitering** * **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**Petition the Government:**

* *“Congress shall make no law . . . Abridging . . . the people. . . to petition the government for a redress of grievances”*
* You may \_\_\_\_\_\_\_\_\_\_ the government for wrongs
* You cannot be punished for exposing wrongs by the government
* The courts decide the wrongs

**2nd Amendment—Right to bear arms:**

* *“A well-regulated militia, being necessary to the security of a free state, the right of the people to bear arms shall not be infringed.”*

**Third Amendment:**

* The Government cannot force you to shelter soldiers in your home without your consent in time of war or peace.

**Rights of the Accused Amendments #4-8 Important to preserve freedom:**

**Fourth Amendment:**

* What does a policeman need in order to search your home?
  + A warrant given to him by a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
  + \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is also needed

**Fifth Amendment:**

* You cannot be tried for the same crime twice—called “Double Jeopardy”
* You do not have to testify against yourself. “I plead the fifth”
* You must have due process of law before you are convicted
* The government cannot take your land unless it pays.

**Sixth Amendment:**

* Right to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ trial by impartial jury—meaning not favoring either side

**Sixth Amendment continued:**

* You must be ­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of charges
* You must be provided a lawyer if you cannot afford one

**Seventh Amendment:**

* Can opt out and get a trial by judge
  + Why? Quicker and if lawyer feels judge will give better opportunity
  + Not criminals acts, but lesser ones: CIVIL
* Jury Trial in \_\_\_\_\_\_\_\_\_\_\_\_\_\_ cases

**Eighth Amendment:**

* No excessive bail
* No cruel and unusual punishment

**Ninth Amendment**--**all rights not listed, are covered for YOU!**

* Called \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ rights
* Not sure what would come up over time
* Right to marry who you choose
* Right to attend college of your choice ETC…

**Tenth Amendment**--***any right not given to federal gov’t are…***

* Given to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Called reserved powers or states powers!!!
* Anti-feds happy!
* Prevents congress and president from becoming too strong!