

Free Exercise - The person

<p><u>Can</u></p> <ul style="list-style-type: none"> ■ Choose/worship whatever religion, or choose none at all ■ Lead a prayer at home or outside of class ■ Ask questions about religions 	<p><u>Cannot</u></p> <ul style="list-style-type: none"> ■ Break the law and claim it is religious belief ■ Create a disturbance or social chaos in leading the prayer ■ Ask questions to unduly influence others
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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 schools
- Hate crimes

Freedom of the press

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



Freedom of the press-the press

<p><u>Can</u></p> <ul style="list-style-type: none"> ■ Print any political position ■ Make fun of people, especially politicians ■ Expose wrongs by the government ■ Say things you might not agree with 	<p><u>Cannot</u></p> <ul style="list-style-type: none"> ■ Libel- intentionally injuring a person’s reputation by false facts ■ Disclose defense-security secrets ■ Detail how to make certain weapons
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Freedom of Assembly

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



Freedom of Assembly - Individual

<p><u>Can</u></p> <ul style="list-style-type: none"> ■ Protest with signs ■ Parade (with a permit) ■ Parade chanting hate slogans 	<p><u>Cannot</u></p> <ul style="list-style-type: none"> ■ Protest by throwing rocks and breaking windows ■ Hang out on private land against owners will—loitering ■ Public laws restrict if “Clear & Present Danger” is present ■ Teen curfew
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Petition the Government

- “Congress shall make no law . . . Abridging . . . the people . . . to petition the government for a redress of grievances”



Petition the government

- You may sue 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.”



What is the debate with the right to bear arms?

- How much can the government keep guns from criminals and youth?
- In order to keep guns away from criminals, does that limit the right of law abiding citizens?



Gun debate continued

- Do you have the right to own ANY weapon?
- Militia = the Army. Should only military people own weapons?
- What is a weapon?
 - A handgun? Rifle? Assault rifle? Tank? F-16 fighter jet? Biological/nuclear weapons?
 - Most American families in 1791 had a gun (single-shot) of some sort in the home (for hunting and/or self-defense).
- Currently most states allow ownership of handguns and rifles. Many states do not allow for assault rifles.

Third Amendment

- The Government cannot force you to shelter soldiers in your home without your consent, either in times of war or peace.



Rights of the Accused Amendments #4-8

Important to preserve freedom



Fourth Amendment

- This restricts police from stopping and searching you without a reason (“Probable Cause”).
- If the police stop a driver for a traffic violation, can they search your car?
 - Only if “Probable Cause” is proved
- Can your parents allow your room to be searched against your will?
 - Yes; students have few rights until they reach 18
- Can the school search your backpack?
 - Yes; parents “grant” the school parental rights, which allows school to search for anything at any time – “Probable Cause” does not necessarily apply

Fourth Amendment

- What does a policeman need in order to search your home?
 - A warrant given to him by a judge
 - Probable cause is also needed – must be specific to the object to be searched for and the place to be searched.



Fifth Amendment

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

Due Process & Double Jeopardy

- **DUE PROCESS:** Steps taken from arrest to trial must be fair.
 - Arraignment must occur shortly after arrest — you face a judge who will tell you what you are charged with and will ask you how you plead.
 - Right to grand jury to determine if trial should be held.
- **DOUBLE JEOPARDY:** Cannot be tried for the same exact crime more than one time (once a verdict is reached in court).
 - **SELF-INCRIMINATION:** You do not have to answer questions (either from the police or in court) that might make you look guilty.
 - "You have the right to remain silent, anything you say can be used against you in a court of law" —police must read *Miranda warnings* before questioning

Sixth Amendment

- Right to speedy trial by impartial jury



Sixth Amendment

- **Right to a Speedy Trial:** Once indicted by a Grand Jury, a trial must happen as soon as possible.
- **Right to a Public Trial:** A trial must happen in a public court where the court proceedings may be known to the public.
- **Right to a Jury Trial:** A trial must have a jury made up of everyday people. The jury must reach a unanimous decision (12-0), or a mistrial can result.
- **Right to Subpoena:** A subpoena is a court-ordered paper requiring you to testify in court. It is illegal to refuse to testify if you are issued subpoena.
- **Right to an Attorney:** contained in the *Miranda warnings*

Seventh Amendment

- If two people disagree on a contract, or if someone buys something that doesn't work, you can take a person or company to court. This is called a **CIVIL CASE**.
- In civil cases you are allowed to have a jury trial. Civil court juries do not rule "guilty" or "not guilty," but instead rule in favor of one party or the other. They also do not need to have a unanimous vote to reach a verdict.
- It is possible for you to be tried in criminal court *and* civil court.

"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."

Eighth Amendment

- You are protected from punishment that is considered cruel or unusual.
- You are protected from having to pay excessive bail, which is money that you pay to get out of jail while awaiting your trial for a criminal charge. The money is returned to you when you show up in court.
 - "The punishment needs to fit the crime."
 - You won't get fined \$10,000 for parking in tow-away zone
- Criminals cannot be used for medical experiments while in prison.

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

Eighth Amendment Debate



Prisoner kissing his Mom in prison

- Should we deny the chance for bail to terrorists? To murderers?
- Is the death penalty "cruel" or "unusual" punishment?

The Ninth Amendment

- This is supposed to mean that if the rights were not spelled out specifically in the Constitution, then those rights belonged to the people.
- One of the most important amendments, b/c it provides for flexibility in interpreting future laws
 - **EXAMPLE:** The gov't cannot deny your parents choices in Internet service providers.

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

Ninth Amendment Debate

Can the gov't decide moral or social values of the nation with regards to:

- Clothing?
- 'Lifestyle Choices'?
- Nationalized Education?
- Local Economies?
- Any upcoming laws or trends we cannot identify?



The 10 Amendment

- Rights that were not spelled out specifically in the Constitution, automatically belong to the states.
- For example, the Constitution is silent about driving a car. The power to grant licenses for driving is a power left to the states. Each state has its own law, which is why you can drive a car by yourself at age 15 in South Carolina but have to wait until age 16 in Ohio.

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Issues to Consider

- Will The Bill of Rights withstand new challenges in our technological society?
- Will the people allow their rights to be suspended in times of “national crisis?”
- Can demand for a single product or service void The Bill of Rights?