



My Rights and Liberties: SS.7.CG.2.3 Name: _____

**The Bill of Rights and
Amendments
READING #3**

Date: _____



SS.7.CG.2.3 Benchmark Clarification 3: Students will evaluate how the Bill of Rights and other amendments (e.g., 13th, 14th, 15th, 19th, 24th, 26th) influence individual actions and social interactions.

The three categories in the **Bill of Rights** are rights, freedoms, and protections.

As stated in the First Amendment, individual freedoms include **free speech, press, religious exercise, peaceable assembly, and petition.**

The second category is the **rights of those accused** of a crime. **Search and seizure** occurs when police believe that a crime has been committed. Police conduct a search to seize (collect) evidence that may be related to the crime. Protection from unreasonable search and seizure means that police must have a reason for the search and, in most cases, a warrant from a judge to search a person's personal property, home, or body. Rights of those accused of a crime also include the right to **due process**. Due process means a person cannot have his or her life, liberty, or property taken without a constitutional legal process.

Pleading the Fifth, or protection against **self-incrimination**, means that people accused of crimes may refuse to testify against themselves in a court of law. Pleading the Fifth prevents anything an accused person may say from being used as evidence against them to convict them of a crime. The Bill of Rights also protects **double jeopardy**. If evidence is found after an accused person is found "not guilty" of a crime, that person cannot be brought back to stand trial for the same crime. The right to legal counsel (a lawyer) allows all people accused of a crime to have legal representation in court.

Also, **trial by jury** is protected by the Bill of Rights. This means that a judge and **jury** must decide the issue based on the facts and evidence of the case. Finally, people accused of a crime are protected against **cruel and unusual punishment**, including torture or other forms of punishment considered too harsh for the crime committed. The **constitutionality** of the death penalty has been debated in this country for a long time as an example of what should be considered cruel and unusual punishment.

The third category is protection from government abuse of power. This may include **property rights**, voting rights, or the right to protect oneself. For example, the **right to bear arms** is included in this category. The right to bear arms means that one can own and carry weapons, such as guns, for self-protection. **Eminent domain** allows the government to take private property (property owned by people, organizations, or companies) for public use. However, the owner must be compensated (paid) fairly for it. For example, a road may need to be expanded, and someone's property is in the road's path. The government must pay the owner for the land that the government will take for expanding the road.

The Ninth Amendment gives the people unenumerated rights (rights not listed in the Constitution). Unenumerated rights may include **privacy rights** not listed in the Constitution, but people still expect to have them. Finally, the 13th, 14th, 15th, 19th, 24th, and 26th Amendments provide protections for minority groups that broaden political participation. The 13th Amendment officially **abolishes** slavery. The 14th Amendment granted former slaves citizenship, provided a constitutional definition of a citizen, and asserted the national government's authority over state governments by guaranteeing due process of law for all citizens. The 15th Amendment grants African American males suffrage, or the right to vote. The 19th Amendment grants women **suffrage**. The 24th Amendment abolished poll taxes in elections, a tactic used by southern states to restrict African Americans from voting. The 26th Amendment lowered

the voting age from 21 to 18, an amendment popular during the Vietnam War, when 18-year-old males were **drafted** into the military. During this period, the slogan "Old enough to fight, old enough to vote." became popular.

Bill of Rights - the first ten amendments of the U.S. Constitution

constitutionality - whether or not something is legal under the U.S. Constitution

cruel & unusual punishment - punishment prohibited by the Eighth Amendment to the U.S. Constitution; includes torture or other forms of punishment too severe for the crime committed

double jeopardy - the prosecution of a defendant for a criminal offense for which he has already been tried; prohibited in the Fifth Amendment to the U. S. Constitution

due process - the right of people accused of crimes to have laws that treat them fairly, so that they cannot lose their life or freedom without having their legal rights protected

eminent domain - the right of the government to take private property for public use; the Fifth Amendment requires that people be paid fairly (compensated) for their property if it is taken by the government

freedom of peaceable (peaceful) assembly - the right to hold meetings and form groups without interference by the government; guaranteed in the First Amendment

freedom of press - the right of the press to write and print news and information free from government interference; guaranteed in the First Amendment

freedom of religious exercise - the right for citizens to practice the religion of their choice without government interference; guaranteed in the First Amendment

freedom of speech - the right for citizens to speak freely without government interference; guaranteed in the First Amendment

freedom to petition the government - the freedom for citizens to engage in any nonviolent, legal means of encouraging or criticizing government action; guaranteed in the First Amendment

jury - a group of citizens sworn to give a true verdict according to the evidence presented in a court of law

pleading the fifth - the right of a person to refuse to testify under oath in a court of law on the grounds that the answers could be used as evidence against him to convict him of a criminal offense

privacy rights - the right to keep things out of the public

property rights - the right to own property; mentioned in the Fifth and Fourteenth Amendments

right to bear arms - the idea in the Second Amendment that people have an individual right to own and carry weapons

rights of the accused - the rights included in the Fourth, Fifth and Sixth Amendments: protection from unreasonable search and seizure, double jeopardy, and self-incrimination, the right to due process, right to a speedy and public trial, trial by jury, the right to be informed of criminal charges, right to confront witnesses in court, right to an attorney, protection from self-incrimination

search and seizure - the process by which police or other authorities who suspect that a crime has been committed do a search of a person's property and collect evidence related to the crime; protection from illegal search and seizure is in the Fourth Amendment

self-incrimination - the right in the Fifth Amendment that protects a person from being forced to tell the police, prosecutor, judge, or jury any information that might subject him or her to criminal prosecution

suffrage - the right to vote

trial by jury - a trial in which the issue is determined by a judge and a jury, usually with 12 members, whose job is to determine facts and make a judgment of guilty or not guilty; protected in the Sixth Amendment