

The Bill of Rights

(with brief explanations)

THE PREAMBLE TO THE BILL OF RIGHTS

Congress of the United States begun and held at the City of New York, on Wednesday the fourth of March, one thousand seven hundred and eighty nine.

THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution.

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all, or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz.

ARTICLES in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

Amendment I - 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.

Government can neither impose a state religion upon you nor punish you for exercising the religion of your choice. You may express your opinions, write and publish what you wish, gather peacefully with others, and formally ask government to correct injustices.

Amendment II - A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Individuals ("the people") have the right to own and use weapons without interference from the government.

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 to be prescribed by law.

The government cannot force you to house its agents.

Amendment IV - 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.

You may not be arrested or "detained" arbitrarily. No agency of government may inspect or seize your property or possessions without first obtaining a warrant. To obtain a warrant, they must show specific cause for the search or seizure and swear under oath that they are telling the truth about these reasons. Furthermore, the warrant itself must state specifically and in detail the place, things, or people it covers. Warrants that are too general or vague are not valid; searches or seizures that exceed the terms of the warrant are not valid.

Amendment V - 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.

No one outside the military may be tried for a serious crime without first being indicted by a grand jury (of citizens). Once found not guilty, a person may not be

tried again for the same deed. You can't be forced to be a witness or provide evidence against yourself in a criminal case. You can't be sent to prison or have your assets seized without due process. The government can't take your property without paying market value for it.

Amendment VI - 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.

Trials cannot be unreasonably postponed or held in secret. In any criminal case against you, you have a right to public trial by a jury of unbiased citizens (thus ensuring that the state can't use a "party-line" judge to railroad you). The trial must be held in the state or region where the crime was committed. You cannot be held without charges. You cannot be held on charges that are kept secret from you. You have a right to know who is making accusations against you and to confront those witnesses in court. You have the right to subpoena witnesses to testify in your favor and a right to the services of an attorney.

Amendment VII - 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 reexamined in any Court of the United States, than according to the rules of the common law.

The right to trial by jury extends to civil, as well as criminal, cases. Once a jury has made its decision, no court can overturn or otherwise change that decision except via accepted legal processes (for instance, granting of a new trial when an appeals court determines that your rights were violated in the original proceeding).

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

Bail, fines, and punishments must all fit the crime and punishments must not be designed for cruelty.

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

You have more rights than are specifically listed in the Bill of Rights.

Amendment X - 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.

The U.S. federal government has only those specific powers granted to it by the Constitution. All other powers belong either to the states or to individuals.

The Ninth and Tenth Amendments, taken together, mean that the federal government has only the authority granted to it, while the people are presumed to have any right or power not specifically forbidden to them. The Bill of Rights as a whole is dedicated to describing certain key rights of the people that the government is categorically forbidden to remove, abridge, or infringe. The Bill of Rights clearly places the people in charge of their own lives, and the government within strict limits - the very opposite of the situation we have allowed to develop today.