

Do Now

What is your opinion about 2nd Amendment rights?
Does it make our society more safe or less safe if
more people have guns around?

Some other issues to think about:

- background checks before buying a gun
- keeping mentally ill people from buying a gun
- being able to buy high power/automatic weapons
- limits on how many guns/how much ammunition someone can buy

The 5th Amendment

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.



**KEEP
QUIET
AND
PLEAD
THE 5TH**

- **This amendment also mostly concerns law enforcement by outlawing double jeopardy and self-incrimination, guarantees due process, and allows eminent domain.**
- **Double jeopardy:** being charged (and punished) for the same crime twice.
- **Self-incrimination:** forcing a person to confess to a crime by making them describe their own actions under oath in court.
- **Due process:** making sure a person is not "deprived of life, liberty, or property" without clear laws and steps being followed.
- **Eminent domain:** the government can force people to sell their private home or land in order for the land to be put to public use (for a new school, railroad, freeway, etc.)

- **Limits:** courts traditionally forbid the military from using torture because of the 5th Amendment's protection against self-incrimination, but under President George Bush, the courts found it acceptable to use torture in certain circumstances during war.
- "Due process" is a vague term that was only slightly clarified by a later amendment, and is still open to a lot of interpretation.
- The Supreme Court ruled in 2005 that eminent domain can also be used by the government to take away private property to give to another private owner.



The 6th Amendment

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.



- Like the 4th amendment, this amendment also **establishes many aspects of modern trials and law enforcement, including a "speedy and public" trial, formal charges, cross-examination of witnesses in court, and the right to have a lawyer when accused of a crime.**
- **Limits:** court cases often take years to be completed (not exactly "speedy"), some military court cases are not public, and many public defenders (free lawyers) are not very good at their jobs, so you have a lower chance of getting a good outcome than someone who can afford a really good lawyer.

The 7th Amendment

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.



- This amendment **guarantees a jury trial for any lawsuit over \$20 in value (currently raised to \$5,000).**
- **Limits:** none really.

The 8th Amendment

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



- This amendment is pretty straightforward: **bail and court fines have to be reasonable amounts, and "cruel and unusual" punishments are outlawed.**
- **Limits:** judges set bail amounts based on the details of each case, but studies have found that people of color are charged higher bail amounts than white people who commit the same crimes.
- Some people argue that the death penalty is "cruel and unusual," which is why many states have outlawed it.

The 9th Amendment

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



- This amendment says that **just because a particular right isn't listed in the Constitution doesn't mean people don't have that right.**
- For example, courts have ruled that women have the right to choose to have an abortion, and all citizens have a right to privacy (to varying degrees) as long as they haven't committed a crime.
- **Limits: rights not guaranteed in the Constitution are always more vulnerable than rights guaranteed by it.** For example, abortion is legal because of the Roe vs. Wade Supreme Court case, but the Supreme Court could always choose to change its mind in a future case and get rid of abortion across the country. To get rid of part of the Constitution is a much more difficult process.

The 10th Amendment

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.



Nevada State Capitol Building in Carson City

- This amendment says that **if a certain right or power is not mentioned by the Constitution, it automatically belongs to the state governments rather than the federal government.**
- **Limits:** because this amendment is worded very vaguely, it's easy for the federal government to argue that a new right/power has something to do with their existing powers.

Later Amendments

- In all 33 amendments have been formally adopted by Congress, but only 27 of them have actually been ratified.
- Of those remaining six, two of them had built-in expiration dates that passed, and the other four are technically still open for being ratified.
- Sometimes ratification can take a long time. For example, of the first 12 amendments proposed in 1789, only the first 10 passed within two years. One of the others, though, finally passed in 1992 as the 27th amendment - more than 200 years later.
- The last of the original amendments is still open for ratification, but it's unlikely to ever happen. It specifies that there should be one representative in the House for every 50,000 people. When the US was founded, that wasn't an unreasonable number. But now, with over 300 million people, that would make for a total of 6,174 representatives - compared to the 435 we actually have today. Most representatives today represent around 600,000 people each.



- Although every amendment has been important, some of the most important after the Bill of Rights were:

Number	Purpose
13th Amendment	abolished slavery
14th Amendment	says everyone has to be treated equally by the law (originally referring to former slaves, since applied to many groups of people to outlaw discrimination)
19th Amendment	gave women the right to vote
22nd Amendment	limits presidents to 2 terms
26th Amendment	lowered the voting age to 18

- Study Guide