Name _____

# PRIMARY SOURCE

Congress sent 12 amendments to the states in 1789; ten were ratified in 1791. They then limited only the national government: the First begins "Congress shall make no law." Americans still debate how some words apply.

## The Bill of Rights

| | The amendments (exact words) | In plain English |
|---|---|---|
| **First Amendment** | *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 ...* | No official religion (Establishment Clause) or ban on practicing it (Free Exercise Clause). No cutting back speech, press, peaceful gatherings or petitions. |
| **Second Amendment** | *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.* | In 1791 militias were ordinary citizens with their own weapons. Americans debate how far the right reaches. The Supreme Court, Heller (2008): an individual right to keep a handgun at home for self-defense, with some limits allowed. |
| **Third Amendment** | *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.* | In peacetime, soldiers cannot be housed in anyone's home without the owner's agreement. In wartime, only in the way a law sets out. |
| **Fourth Amendment** | *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 ...* | No unreasonable searches or seizures. A judge may issue a warrant only with good reason to believe a crime happened. |
| **Fifth Amendment** | *No person shall be held to answer for a capital, or otherwise infamous crime, unless on ... indictment of a Grand Jury ... 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 ...* | Serious charges need a grand jury. No trial twice for one crime, no forced testimony against yourself, and fair legal steps (due process). |
| **Sixth Amendment** | *In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury ... and to have the Assistance of Counsel ...* | An accused person gets a quick, public trial by a fair jury, and a lawyer. |
| **Seventh Amendment** | *In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved ...* | In many court cases about money or property (worth more than twenty dollars), people have the right to a jury trial. |
| **Eighth Amendment** | *Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.* | Bail and fines may not be too high, and punishments may not be cruel and unusual. |
| **Ninth Amendment** | *The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.* | Listing some rights in the Constitution does not mean the people have no other rights. |
| **Tenth 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.* | Powers not given to the national government, and not forbidden to the states, belong to the states or the people. |

The Bill of Rights, ratified December 15, 1791. National Archives transcription (https://www.archives.gov/founding-docs/bill-of-rights-transcript). Exact words; "..." marks words left out.