

3.1 The Bill of Rights

Explain how the U.S. Constitution protects individual liberties and rights. Describe the rights protected in the Bill of Rights.

Our revolutionary heritage was founded upon a simple battle cry – “Give me Liberty or give me death.” Despite the need for a strong government to keep us safe and secure, to help manage during difficult times, we have built safeguards in order to limit government’s natural tendency to threaten inalienable individual liberties. The promissory note from our Founding Fathers on this is the Bill of Rights. The Bill of Rights, our first ten amendments to the U.S. Constitution, proclaims to the world that our experiment in self-government is rooted in personal freedom and equality. That experiment, however, is one of dynamic agency. Times change. Members of government change. We lean on the U.S. Supreme Court to help mediate these changes. **Provisions of the U.S. Constitution’s Bill of Rights are continually being interpreted to balance the power of government and the civil liberties of individuals.**

Our civil liberties, as codified in our constitution’s Bill of Rights, serve as both trumps and chips. Civil liberties are constitutionally established guarantees and freedoms that protect citizens, opinions and property against arbitrary government interference. Our rights trump against random authoritarian tendencies found in most governments. At the same time our civil liberties serve as chips in the policy making process. We are a nation of law but foremost we are a nation of rights. Our inalienable rights serve as the people’s greatest harbinger to popular sovereignty. As we seek more and more protections, as we expand more and more of our privileges, as civil liberties expand beyond religion, race, gender, and sexual orientation “we the people” have a great bargaining chip. Here civil liberties matter. Civil liberties are not mere platitudes or empty promises. Civil liberties form the bedrock of our civil society.

It behooves us to familiarize ourselves with the language of our basic most fundamental rights as protected in our constitution’s Bill of Rights:

Amendment One: *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.*

Amendment Two: *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.*

Amendment Three: *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.*

Amendment Four: *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.*

Amendment Five: *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 offense 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.

Amendment Six: *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 defense.*

Amendment Seven: *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, according to the rules of the common law.*

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

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

Amendment Ten: *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.*

Provisions of the U.S. Constitution's Bill of Rights are continually being interpreted to balance the power of government and the civil liberties of individuals. In the end our rights are defined by legislative, executive and judicial actions. Legislatures interpret our civil liberties through the policy-making process. Legislatures, through their oversight powers and budget authority strengthen and weaken our civil liberties. Executive power enables the president through various governmental agencies to enforce laws and thereby interpret the meaningfulness of our civil liberties. More obviously, our courts are constantly interpreting our liberties and rights through contested disputes. As former chief justice Charles Evans Hughes said, "We are under a Constitution, but the Constitution is what the judges say it is." No better reason for us citizens to remain vigilant in overseeing our rights. This begins by knowing them. Help keep our rights strong by doing your best in this unit of study.