

The Bill of Rights

The Bill of Rights, First Ten Amendments (1) of the Constitution
The Bill of Rights, Foundation Stone of our Freedom

The 1st Amendment is freedom of speech (2) and press (3),
so you can express how you feel. Protects free assembly, (4)
gives you freedom of religion (5) to worship as you choose;
The right to send petitions to government, though that is rarely used.

2nd Amendment gives the right to bear arms, though people disagree;
Does that mean guns for people or for soldiers in the Army (6)?
3rd Amendment, not much used today, soldiers can't bunk in your home
The 4th through 8th Amendments are your criminal rights (7),
if arrested, you're not alone.

4th Amendment says you can't be searched by police, or seized unreasonably (8),
It's also the legal source of our right to privacy (9)
The 5th Amendment says you must get "due process" (10) in your criminal trial.
That's fairness of judge and jury, not forced to testify (11)

The 6th Amendment gives you a lawyer (12) and speedy trial,
so you won't be stuck in jail alone for more than a short while.
The 7th Amendment ensures that you will get a jury trial (13).
The 8th Amendment says the punishment can't be "cruel or unusual." (14)

The 9th Amendment says all your other rights, will be respected. (15)
The 10th Amendment tells the States their rights won't be neglected. (16).
All of these 10 Amendments, they are all the Bill of Rights
Always there protecting us, every day and night (17)

NOTES

- (1) **Amendments**: Amendments are changes or additions to the Constitution. To date there have been 27 amendments. All of them have the same legal authority as if they had been part of the original Constitution. Unlike all of the other amendments, the ten amendments in the Bill of Rights were passed together as a “package” designed to protect the individual rights of American citizens. The Bill of Rights was a compromise between the Federalists and the Anti-Federalists during the Constitutional Convention and ratification period which followed. Anti-Federalists pledged to support the Constitution only if there were specific protections for individual rights. Both sides agreed upon the Bill of Rights and ratified the Constitution.

- (2) **Freedom of Speech**: There have been numerous Supreme Court rulings on freedom of speech and its limits. Many hinge on the 1919 decision in *Schenck v. United States*, when the Court stated that individuals have the right to freedom of speech unless that speech is a “clear and present danger” to society. As an example of a “clear and present danger” the Supreme Court offered the famous “shouting ‘Fire!’ in a crowded theatre” analogy. The Supreme Court ruled that a person does not have the Constitutionally protected right to express themselves in such a way because it would endanger others. Speech is not protected by the first Amendment when it is an immediate danger to others.

- (3) **Freedom of Press**: Although the word “press” implies print on paper, in 1787 the framers of the Constitution could only have imagined electronic media such as radio, television and digital media. Accordingly, the “free press” clause in the 1st Amendment has been loosely interpreted to include all forms of mass media communication.

- (4) **Freedom of Assembly**: Freedom of assembly means you have the right to gather as a group and to march in public, as long as the gathering is peaceful.

- (5) **Freedom of Religion**: You have the right to follow any religion you choose and not to be pressured by the government to follow another one.

(6) **2nd Amendment**: The language of the 2nd Amendment makes it unclear whether the framers of the Constitution meant that individual citizens should have the right to own guns, or whether that right is held only by the citizens who serve in a militia (army). Both sides of the gun control debate have exploited this constitutional ambiguity, intensifying a controversial issue.

(7) **Criminal Rights**: Generally, these amendments follow the course of a criminal case from arrest through trial through possible imprisonment.

(8) **Unreasonable Search and Seizure**: Unless there is an emergency, the police need a search warrant before they can enter your home. The warrant is obtained from a judge, who must agree that the police have enough evidence to justify a search.

(9) **Privacy**: The 4th Amendment never mentions a “right of privacy,” but those who believe the Constitution provides Americans with such a right see it as an extension of the limits on police authority found in the search and seizure provision of the 4th Amendment. This protects American citizens from “unreasonable search and seizure.”

(10) **Due Process**: “Due process” is a general phrase designed to cover all the ways that a criminal proceeding should be fair. There are too many possibilities to name them all.

(11) **Forced to Testify**: “Pleading the 5th” means that a defendant may choose not to testify in their own trial and that no witness is required to offer self-incriminatory evidence. This was included in the Bill of Rights by far sighted framers who saw that it would reduce the temptation to torture prisoners for confessions.

(12) **Lawyer**: A public defender (attorney) is appointed if a defendant cannot afford an attorney.

(13) **Jury Trial**: A jury is a panel of 12 citizens who decide whether a defendant is innocent or guilty. The framers believed that a panel of regular citizens, not one judge, should decide whether a defendant is innocent or guilty and would provide the best guarantee of fairness.



(14) **Cruel or Unusual Punishment**: Supreme Court decisions about capital punishment (the death penalty) hinge on this Constitutional provision. Between 1972 and 1976, the Supreme Court suspended the death penalty due to concerns about its inconsistent application. Executions resumed in 1977 and capital punishment remains legal.

(15) **Unenumerated Rights**: Citizens have other rights than those spelled out in the Bill of Rights.

(16) **States' Rights**: Before the Constitution was ratified, the Anti-Federalists fought to protect the states from what they feared would be an overly powerful federal (national) government. Memories of England pushing around the colonies were fresh. They insisted that the 10th Amendment be included in the Bill of Rights if they were to vote in favor of ratification.

(17) **Always There**: The Constitution and the Bill of Rights within it are the "Supreme Law of the Land." They supersede (are more powerful than) state and local laws.

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