

# THE BILL OF RIGHTS (In Plain English)

**1<sup>st</sup>** Guarantees freedom of speech, religion, and press, and the right to assemble peaceably and petition the government for redress of grievances (to ask it to fix something that it's responsible for).

**2<sup>nd</sup>** The belief was strong that a well regulated militia (such as the National Guard, in modern times) was necessary for maintaining our national security, so the political leaders in Congress guaranteed that the right to bear arms would not be infringed (violated). (In the context of the Constitution, phrases like "shall not be infringed," "shall make no law," and "shall not be violated" sound pretty unbendable, but the Supreme Court has ruled that *some* laws can, in fact, encroach on these phrases. For example, though there is freedom of speech, you cannot slander someone; though you can own a pistol, you cannot own a nuclear weapon.)

**3<sup>rd</sup>** No soldier in time of peace shall be quartered in a private citizen's home without the homeowner's consent. (You can't be forced to house soldiers in your home – but there might be exceptions in times of war)

**4<sup>th</sup>** People and their personal property cannot be searched without a warrant, issued by a judge.

**5<sup>th</sup>** No person may be held to answer for a crime unless he or she has first been officially and legally charged (through an indictment by a grand jury or a presentment from a prosecutor). No person can be tried for a crime, found not guilty, then tried again for that same exact crime. (*Double jeopardy* is the term used in law. *Double jeopardy* is forbidden by the Fifth Amendment.) Persons cannot be deprived of life, liberty, or property, without *due process of law* (see below for more on *due process*). Private property cannot be taken for public use unless the owner is fairly compensated for it. Generally, *due process of law* as it applies to the 5th Amendment guarantees the following (and this list is not exhaustive):

- Right to a fair and public trial conducted in a competent manner
- Right to be present at the trial
- Right to an impartial jury

- Right to be heard in one's own defense
- Laws must be written so that a reasonable person can understand what is criminal behavior
- Taxes may only be taken for public purposes
- Property may be taken by the government only for public purposes
- Owners of property taken over by the government under its power of *eminent domain* must be fairly compensated

**6<sup>th</sup>** A person accused of a crime has the right to a fair and speedy trial by an impartial jury of his/her peers, to be informed of the accusations against him/her, to be confronted with the witnesses against him/her, to be able to subpoena (summon) witnesses to give testimony in his/her favor, and to have legal counsel (an attorney) for his/her defense.

**7<sup>th</sup>** In any legal case involving a civil suit (lawsuit between two persons or groups), the defendant has the right to a trial by jury if the amount in question is over twenty dollars.

**8<sup>th</sup>** No excessive bail or fines, or cruel and unusual punishment shall be used against a convicted criminal.

**9<sup>th</sup>** No one shall be denied their basic constitutional rights.

**10<sup>th</sup>** Powers that are not specifically granted to the national government are to be retained by the states and people.