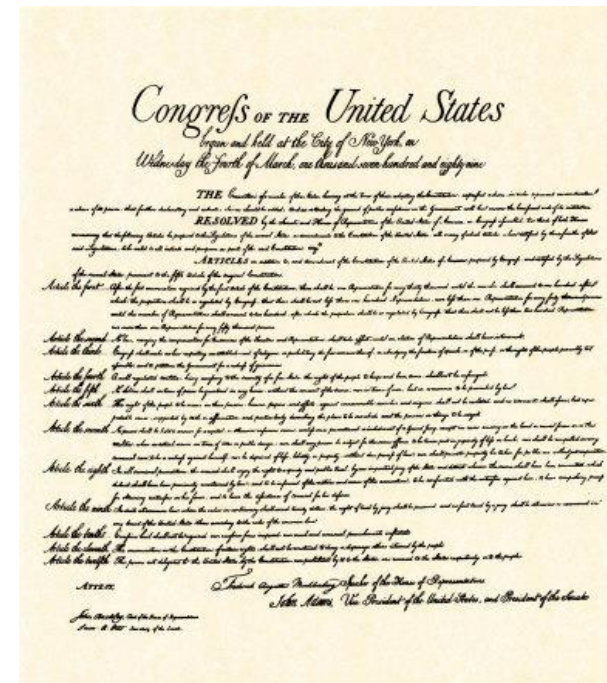




The Bill of Rights: Balancing Individual Liberties

Mr. Oberholtzer
K-212



The top portion of the slide features a stylized American flag with stars and stripes, set against a white background.

1st Amendment

- The **1st Amendment** guarantees freedom of religion, speech, the press, assembly, and petition.
- This means that we all have the right to:
 - practice any religion we want to
 - to speak freely
 - to assemble (meet)
 - to address the government (petition)
 - to publish newspapers, TV, radio, Internet (press)



1st Amendment Guarantees Freedom of Religion

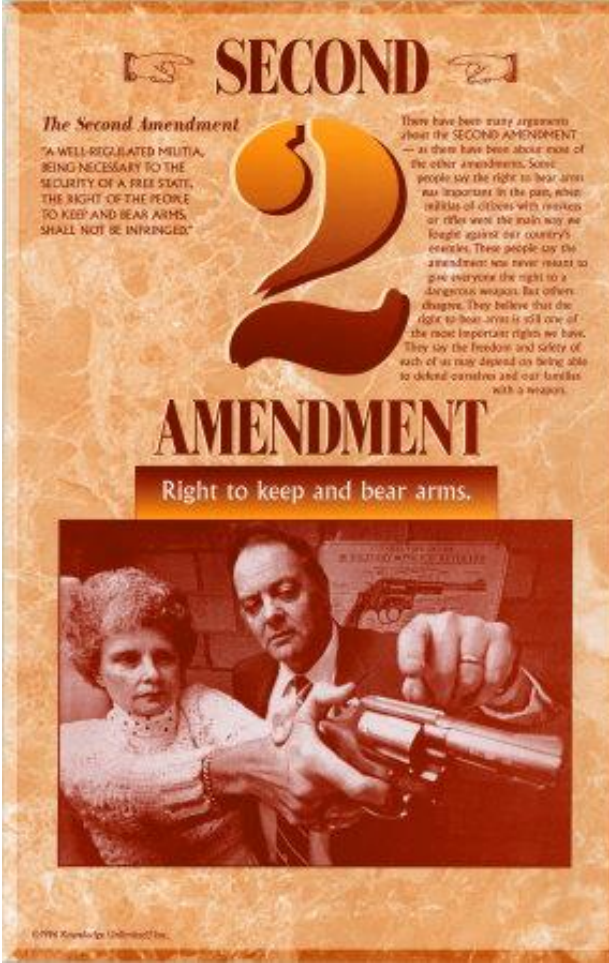
*There is no state sanctioned religion in the
USA under the Constitution!*

Religious Tolerance is the law of the land!



2nd Amendment

- The **2nd Amendment** protects the right to bear arms, which means the right to own a gun.



SECOND

The 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.”

There have been many arguments about the **SECOND AMENDMENT** — as there have been about most of the other amendments. Some people say the right to bear arms was important in the past, when militias of citizens with muskets or rifles were the main way we fought against our country's enemies. These people say the amendment has never ceased to give everyone the right to a dangerous weapon. But others disagree. They believe that the right to bear arms is still one of the most important rights we have. They say the freedom and safety of each of us may depend on being able to defend ourselves and our families with a weapon.

2

AMENDMENT

Right to keep and bear arms.



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3rd Amendment

- The 3rd Amendment says “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.”
- This means that we cannot be forced to house or quarter soldiers.



4th Amendment

- The **4th Amendment** protects the people from unreasonable searches and seizures.
- This means that the police must have a warrant to enter our homes. It also means the government cannot take our property, papers, or us, without a valid warrant based on probable cause (good reason).

Fourth Amendment

- What does a policeman need in order to search your home?
 - A warrant given to him by a judge
 - Probable cause is also needed



Wednesday, March 31, 1999 11:08 PM

Richard Ball 3328438

MAR 31 '99 23:08 FR

Wednesday, March 31, 1999 10:07 PM

Richard Ball 3328438

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EAST LANSING POLICE

PAGE 02

STATE OF MICHIGAN CASE NUMBER
 54-B JUDICIAL DISTRICT AFFIDAVIT FOR SEARCH WARRANT

POLICE RPT NUMBER
 ELPD 1787-C-99

Ofc. Marc Smith, affiant, states that

1. The person, place, or thing to be searched is described as and is located at:
 Meijers, located at 1350 W. Lake Lansing Road, East Lansing, County of Ingham.
2. The Property to be searched for and seized, if found, is specifically described as:

Photographs and negatives processed by Meijer's Photo Department submitted by David McCleary which contain evidence of property damage to a Dewitt Township Police Department vehicle and other property damage that occurred in East Lansing on March 27-28, 1999.

3. The FACTS establishing probable cause or the grounds for the search are:

- A. Affiant is a police officer with the East Lansing Police Department and has been employed for approximately 5 years. Affiant was dispatched to Meijers on information that negatives had been brought in for processing and that those negatives captured images from the civil disorder/riot of March 27-28, 1999.
- B. At approximately 10:00 p.m. on March 27, 1999, a large number of individuals in the East Lansing/Michigan State University campus area started a civil disorder/riot as a result of the Final Four Basketball Playoff earlier that evening. The riot lasted until approximately 6:00 a.m. on March 28, 1999.
- C. During the riot, a large amount of property damage occurred in East Lansing and the campus of Michigan State University, including damage that occurred to a Dewitt Township Police vehicle that was caused by overturning the vehicle, kicking out the windows and starting the vehicle on fire. This occurred at Bogus St. and Waters Edge Street in the City of East Lansing, County of Ingham.

McCleary
 RA
 3/31/99
 110477M



UNITED STATES V. LEON (1984)

BURBANK, CA 1984

I WOULD LIKE A SEARCH WARRANT FOR MR. LEON'S HOUSE AND CAR. I GOT A TIP FROM A CONFIDENTIAL INFORMANT THAT HE HAS DRUGS AT HIS HOUSE.

WELL, I GUESS THERE IS PROBABLE CAUSE. OFFICER ROMBACH, HERE IS YOUR SEARCH WARRANT.





5th Amendment

- The **5th Amendment** protects people from being held for committing a crime unless they are properly indicted, (accused)
- You may not be tried twice for the same crime (double jeopardy)
- You don't have to testify against yourself in court. (Self-incrimination)



The top portion of the slide features a stylized American flag with stars and stripes, set against a white background.

Fifth Amendment

- You cannot be tried for the same crime twice—called “Double Jeopardy”
- You do not have to testify against your self. “I plead the fifth”
- You must have *due process* of law before you are convicted
- The government cannot take your land unless it pays.

6th Amendment

- The **6th Amendment** guarantees a speedy trial (you can't be kept in jail for over a year without a trial)
- an impartial jury (doesn't already think you are guilty)
- that the accused can confront witnesses against them
- the accused must be allowed to have a lawyer



Sixth Amendment

- Right to speedy trial by impartial jury—meaning not favoring either side



Sixth Amendment continued



AP

- You must be told of charges
- You must be provided a lawyer if you cannot afford one

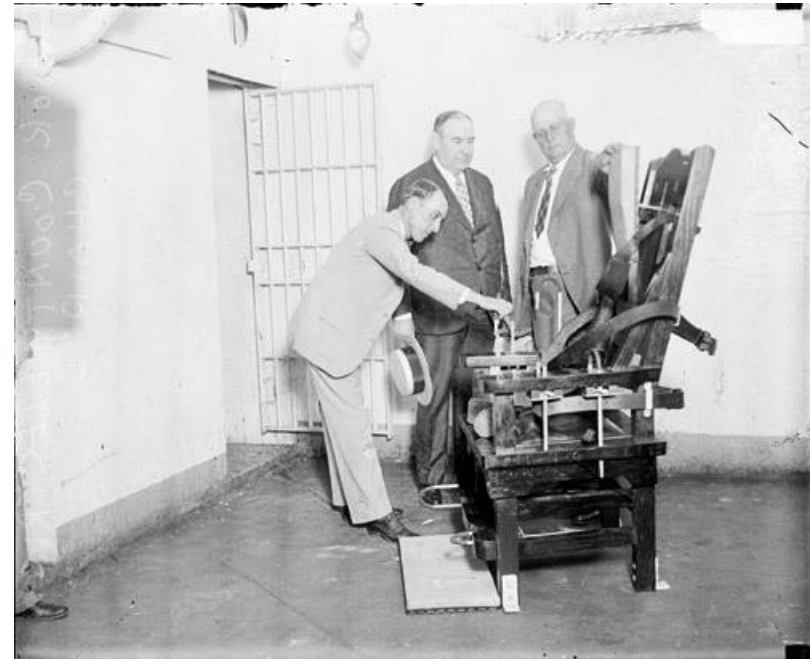
The top portion of the slide features a stylized American flag with stars and stripes, set against a white background.

7th Amendment

- **The 7th Amendment guarantees the right to a speedy civil trial.**
- **A civil trial differs from a criminal trial. A civil trial is when someone sues someone else. A criminal trial is when the state tries to convict someone of a crime.**

8th Amendment

- The 8th Amendment guarantees that punishments will be fair and not cruel, and that extraordinarily large fines will not be set.



Eighth Amendment



Ken Light / Special to MSNBC

- No excessive bail
- No cruel and unusual punishment

Prisoner kissing his Mom in prison



9th Amendment

- All rights not stated in the Constitution and not forbidden by the Constitution belong to the people.
- This means that the states can do what they want if the Constitution does not forbid it.



10th Amendment

- The **10th Amendment** states that any power not granted to the federal government belongs to the states or to the people.

Who determines what the Bill of Rights means?

- The Supreme Court makes rulings on the meaning, i.e. interprets the language.
- The Supreme Court balances the rights of the individual with the needs of society

Individual??



Society??