Bill of Rights

First 10 Amendments of the US Constitution
"For a militia, he's not very well regulated."
No Right in the “Bill of Rights” Is Absolute

- All subject to regulation by Congress/Court.
- Some Rights Are More Important than Others.

When the Supreme Court examines restrictions on our rights by Federal or State Government it:

- Examines the Right
- Determines its importance
- Looks at the extent of governmental restriction
- The more important the right, the greater the justification has to be to limit it. (The Federal interest must be great, “a compelling state interest.”)
- A Balancing of Interests Test. E.G. Vaccination Issue

(All of the Bill Of Rights Have Been Extensively Litigated and Interpreted by the Supreme Court, except Amendment 3.)
Bill of Rights Applied
Only to the Federal Government, At First

Gradually over a period of about 150 years these federal rights were applied piece-meal to the States
Let’s Examine The Bill of Rights:

- First: The “Great Rights”: Religion, Speech, Press & Assembly
- Second: “Gun Rights”
- Four, Five, Six: Criminal Law Issues.
  - Seven: Right to Jury in Civil Cases
  - Eight: “Cruel and Unusual Punishment”
  - Nine: The Basis for all So-Called “New Rights” (Extremely Important!)
  - Ten: Basis for “States Rights” Also Important!
Subsequent Amendments

- **Amendment 11** – Clarified a Supreme Court Decision That Seemed to Eliminate State Court’s Sovereign Immunity.

- **Amendment 12** – Electoral College – (Been There, Done That, Got the Electoral College T-Shirt!)

- **Note:** No New Amendments then for 75 years!!

- **Amendment 13, 14, 15** – Civil War Amendments
  - 14th Amendment -- The Most Important:

- 13th the “Equal Protection Clause” The Basis for all Subsequent Civil Rights and for Application of Bill of Rights to the State!
Section 1.
All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States;

Nor shall any State deprive any person of life, liberty, or property, without due process of law;

Nor deny to any person within its jurisdiction the equal protection of the laws.
Post Civil War

- Note: Another *43 Years* before the next Amendment! Then:

  - Amendment 16 – Income Tax Established WWI
  - Amendment 17 – Senators “Elected”
  - Amendment 18 – Prohibition
  - Amendment 19 – Women’s Suffrage
  - Amendment 20 – Congressional Terms/Dates
  - Amendment 21 – Repeal of Prohibition.
Modern Amendments

- Amendment 22 – Presidential Term Limits
- Amendment 23 – Presidential Vote for D.C.
- Amendment 24 – Poll Tax Barred
- Amendment 25 – Presidential Disability Act (Procedure for removing a President. Not by Impeachment – Very Complicated!)
- Amendment 26 – Voting Age Set At 18
- Amendment 27 – Limiting Congressional Pay.

Congratulations: You have read the Constitution!