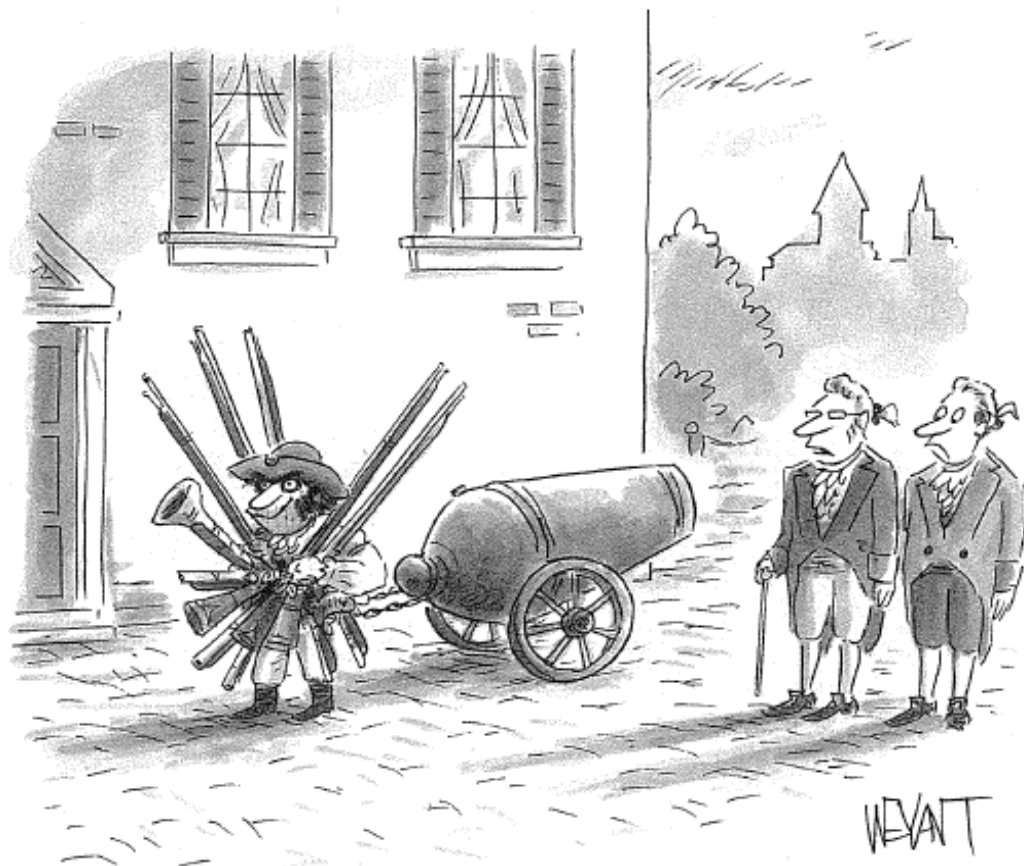


# Bill of Rights

First 10 Amendments of the  
US Consitution



*"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*

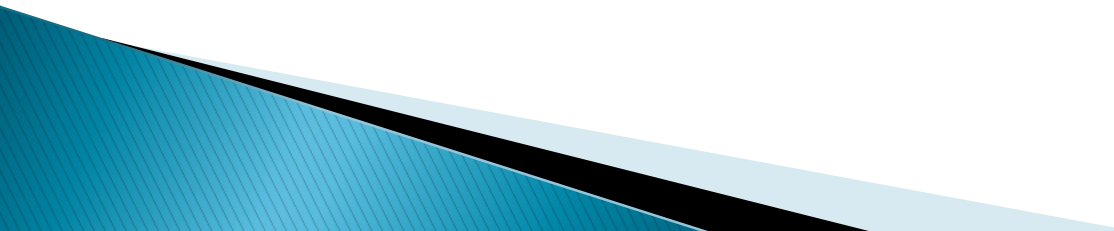
(All of the Bill Of Rights Have Been Extensively Litigated and Interpreted by the Supreme Court, except Amendment 3.)



# 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:

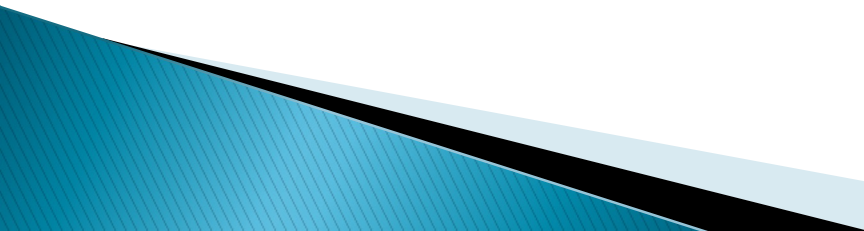
- ▶ *First:* The “Great Rights”:  
Religion, Speech, Press & Assembly
  - ▶ *Second:* “Gun Rights”
  - ▶ *Four, Five, Six :* Criminal Law Issues.  
*Seven:* Right to Jury in Civil Cases  
*Eight:* “Cruel and Unusual Punishment”  
*Nine :*The Basis for all So–Called “New Rights”  
(Extremely Important!)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

# Subsequent Amendments

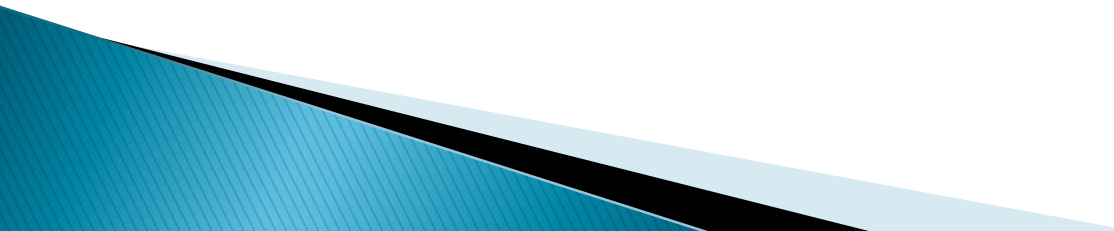
- ▶ Amendment 11 – Clarified a Supreme Court Decision That Seemed to Eliminate State Court's Sovereign Immunity.
- ▶ Amendment 12 – Electoral College – (Been There, Done That, Got the Electoral College T-Shirt!)
- ▶ Note: No New Amendments then for 75 years !!
- ▶ Amendment 13, 14, 15 – Civil War Amendments
  - 14<sup>th</sup> 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 !



# 14<sup>th</sup> Amendment and Incorporation of the Bill of Rights

- ▶ 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!*
- 