

Agenda Mon 10/3

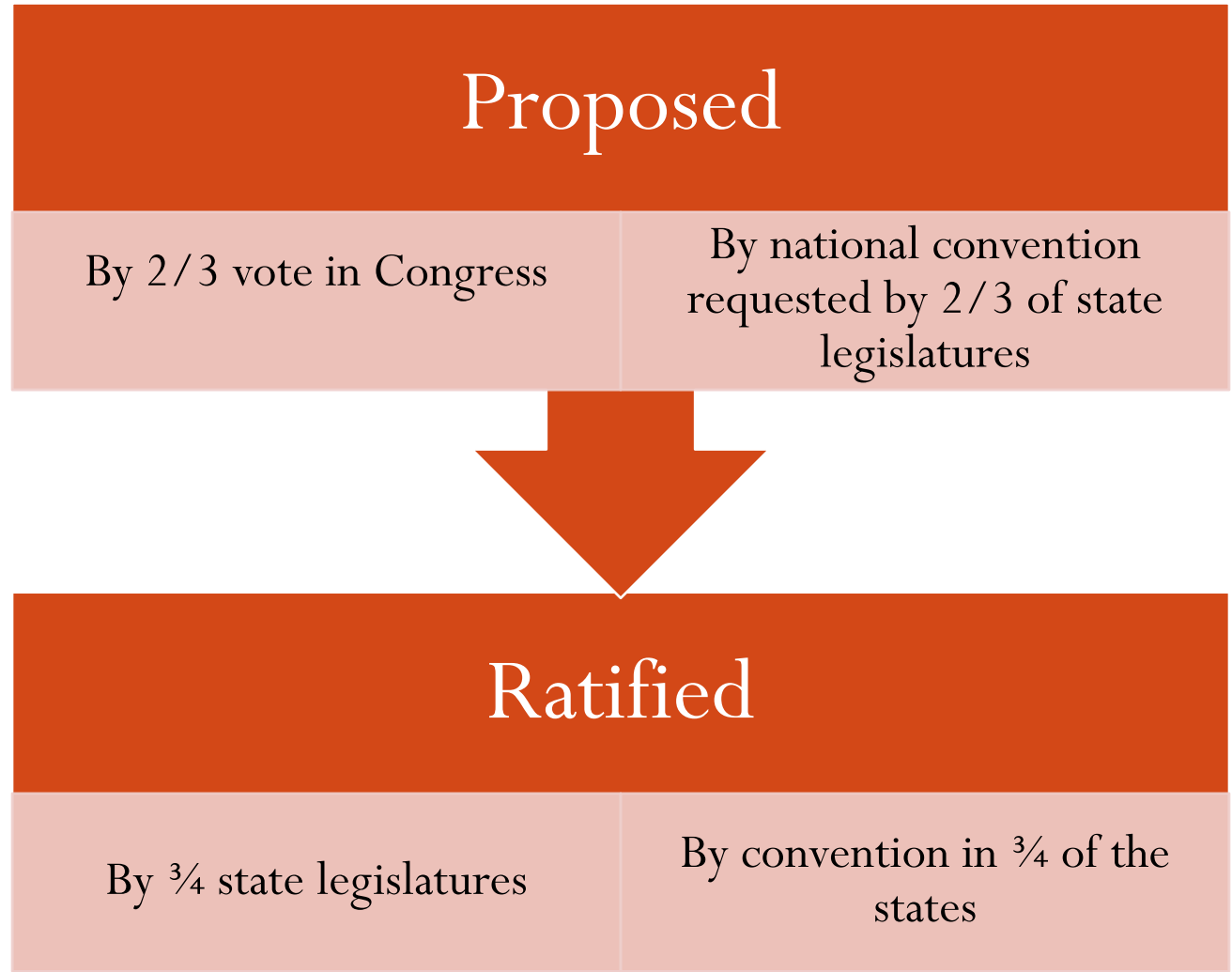
- ✿ *RAP #16: BoR Gallery Walk*
- ✿ *Amendment Process Overview (Formal & Informal)*
- ✿ *Bill of Rights Review*
- ✿ *KW: Study for Bill of Rights Quiz (Mon 10/10)*
 - ✿ *Voter Guide Form DUE: 10/4 & 5*

RAP #16: BoR Gallery Walk

- Review 5 brochures (*topics different than what you chose for your brochure, one can be the same topic*).
- For each brochure reviewed, answer the following:
 1. What was the specific liberty/right? Which amendment provides for this liberty/right?
 2. How is the brochure promoting or opposing the liberty/right? Cite two examples from the brochure.
 3. What did you learn or realize from viewing this brochure?
 4. What is one question you have about this liberty/right after viewing the brochure?

Formal Amendment

- To amend the constitution is to change its words/meaning
- There are 4 ways to do this **formally**
- What form of shared power are the amendment processes upholding?



Informal Amendment

- There are ways to change the meaning/interpretation of the Constitution without changing the written words
- This is called **Informal Amendment**
- There are 5 ways to informally amend the Constitution

Informal Amendment

Basic Legislation

- Congress has the ability to make changes by creating laws
- These laws may either add to the Constitution or establish a new interpretation of the existing document

Executive Action

- Because the Constitution is a vague document many presidents have interpreted its meaning and their powers in many ways
- Often the president will interpret the Constitution to serve their own purpose

Court Decisions

- What is judicial review?
- Because of the power of the Supreme Court to review the Constitution their interpretation can informally amend its meaning

Informal Amendment

Party Practice

- Political parties are a result of self segregation according to human nature and are not written into the Constitution
- Despite their lack of a mention in the Constitution, the government and its elections are organized along party lines

Custom

- Custom = tradition
- Government is habitual and built on tradition if they do things long enough they are expected
- If tradition is broken the people assume the government is not doing its job

The Bill of Rights

- ❖ The Bill of Rights consists of the first 10 amendments to the Constitution.
- ❖ This document was ratified and added to the Constitution 2 years after the Constitution had been put into place as the nation's new form of government.

Amendment I

“Congress shall make no law respecting an *establishment of religion*, or prohibiting the free exercise thereof; or abridging the *freedom of speech*, or of the press; or the right of the people *peaceably to assemble*, and to *petition* the Government for a redress of grievances.”

Amendment I

Freedom of Religion

There are two parts:

1. Establishment Clause – “*establishment of religion*”
 - ✿ Prohibits the government from passing laws to establish an official religion, or preferring one religion over another.
 - ✿ Commonly referred to as “separation of church and state.”
2. Free Exercise Clause – “*free exercise*”
 - ✿ Prohibits the government from interfering with a person’s practice of their religion.

Amendment I

“Freedom of speech”

- ✦ Protects our right to express ideas and opinions through speech (and actions.)
 - ✦ ...even criticisms about the government.
- ✦ However.....there are limits meant to protect rights of others.
 - ✦ No freedom is absolute.
- ✦ Can not slander (intentionally spread lies to hurt others.)
- ✦ Also ... cannot cause physical harm to others.
- ✦ “Clear and present danger rule” – to judge if someone’s speech might pose a danger.
 - ✦ *Petition of Right*

Amendment I

Freedom of the *Press*

- ✿ Protects the right to express ideas in writing.
- ✿ Also applies to electronic media (television, radio, internet...)
- ✿ But, not the right to publish lies that might damage a person's reputation. (Libel)

Amendment I

Freedom of *Assembly*

- ❖ Guarantees the right to hold meetings, to openly express views (even complaints, about government.)
- ❖ Of course, it must be done peacefully.

Amendment I

Freedom of *Petition*

- ✿ A petition is a formal request.
- ✿ We may ask the government to do, or stop doing, something
- ✿ We may contact our Representatives to request laws, and changes.

Amendment II

The Right to Bear Arms




Amendment II

The Right to Bear Arms

- ✿ The United States has a long history of gun control legislation...
 - ✿ ...often in response to gun/violence related incidents
- ✿ Advocates of Gun Control support stricter firearm laws
- ✿ Advocates of Gun Rights say gun control infringes on their constitutional rights
 - ✿ *English Bill of Rights*

3rd Amendment

 No soldier can be quartered in any house without consent.

Amendment IV

Protection against unreasonable search and seizure

- ✿ Homes and property cannot be searched without a search warrant based on probable cause
- ✿ Evidence obtained illegally, excluded from court proceedings

Amendment V

Rights of the Criminally Accused

✿ Grand jury

✿ exclusionary rule does not apply

✿ No Double Jeopardy

✿ No Self-Incrimination

✿ pleading the 5th

✿ Due Process Guaranteed

✿ *Magna Carta*

✿ Eminent domain

✿ Payment for Private Property

Amendment VII

Rights in Civil Cases

Right to a Jury Trial in a civil case

Amendment VIII

Prisoners' Rights

Reasonable Bail, Fines & Punishment

- *English Bill of Rights*

Amendment IX

Unenumerated Rights

More than what is listed here in the
Bill of Rights....

Amendment X

State Powers

Any powers not specifically given to the federal government are reserved for the states!!