

# Congress OF THE United States

begun and held at the City of New York, on  
Wednesday the fourth of March, one thousand seven hundred and eighty nine

THE Conventions of member of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the longest and best use of its institutions

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution: viz<sup>ts</sup>

ARTICLES in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

- Article the first. After the first enumeration required by the first Article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred, after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor more than one Representative for every fifty thousand persons.
- Article the second. No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.
- Article the third. 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.
- Article the fourth. 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.
- Article the fifth. 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.
- Article the sixth. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.
- Article the seventh. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.
- Article the eighth. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, a district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of Counsel for his defence.
- Article the ninth. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.
- Article the tenth. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.
- Article the eleventh. The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.
- Article the twelfth. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ATTEST,

John Beckley, Clerk of the House of Representatives  
Sam. A. Burt, Secretary of the Senate.

Frederick Augustus Muhlenberg Speaker of the House of Representatives  
John Adams, Vice President of the United States, and President of the Senate

Congress shall make no law respecting an establishment of religion, or

No Soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor

the right of the people to keep and bear arms, shall not be infringed.

Why did Americans feel they needed to protect their rights?



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## The Bill of Rights

chapter

15

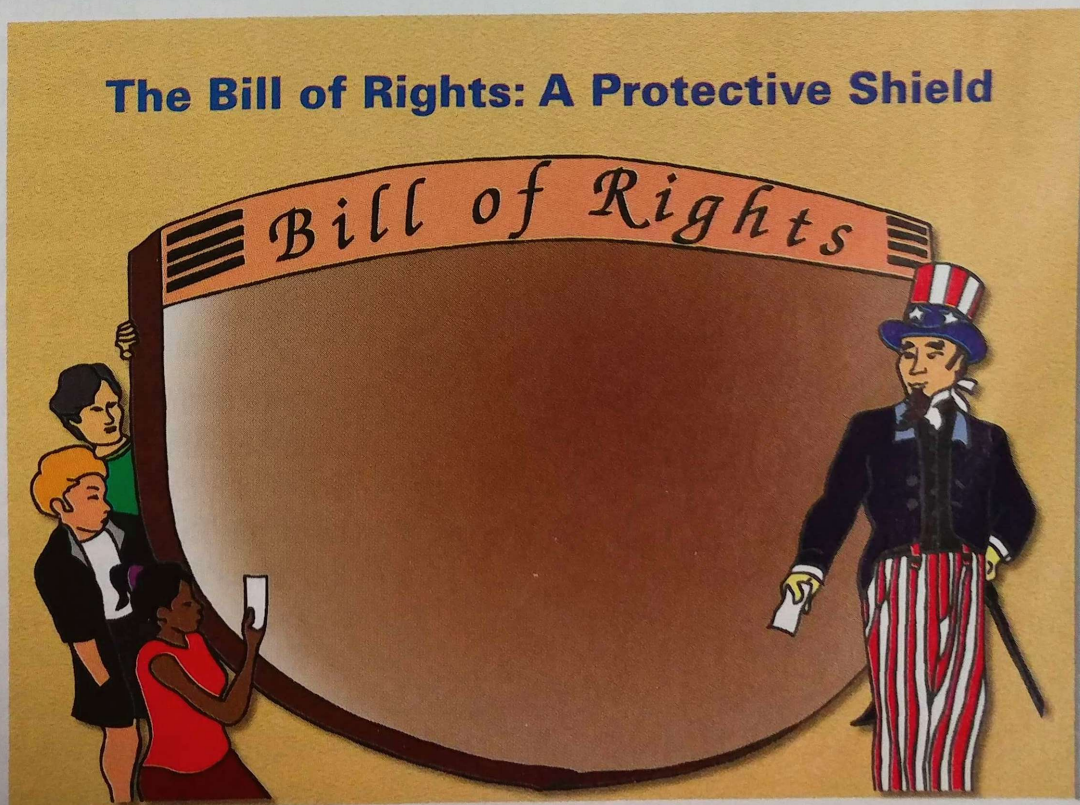
### 15.1 Introduction

In Chapter 14, you learned how the Constitution created a strong government for the United States. In this chapter, you will read about the first 10 **amendments**, or changes, to the Constitution. These amendments protect the rights and **liberties** of American citizens. Together, they are called the **Bill of Rights**.

The Constitution described how America's new government would work. But it did not say how citizens would be protected from this powerful government. Many Americans wanted the Constitution to include a bill, or list, of rights that the government would always have to respect.

The Bill of Rights is like a shield that protects all citizens. For example, it describes the **rights of the accused** (persons accused of a crime). Among these rights are the right to a lawyer and the right to a trial by a jury.

Look at the drawing to the right. As you learn about the Bill of Rights, think of it as a shield. Why did Americans in 1789 want a shield to protect them from a strong government? What rights and liberties are protected by the Bill of Rights?





**ratified:** approved; to have made a written document official by signing it

## 15.2 The Need for a Bill of Rights

When the Constitution was completed in 1787, it still had to be **ratified** by at least nine states. Americans fiercely debated whether to approve the Constitution. Many people were afraid that it gave the national government too much power. Americans had just fought the Revolutionary War to protect their rights against the British government. They wanted to be sure

that their new government would respect their rights.

In several states, the vote on the Constitution was very close. Supporters of the Constitution gained votes by promising to add a bill of rights. A bill of rights is a document that lists the rights and liberties that the government cannot take away.

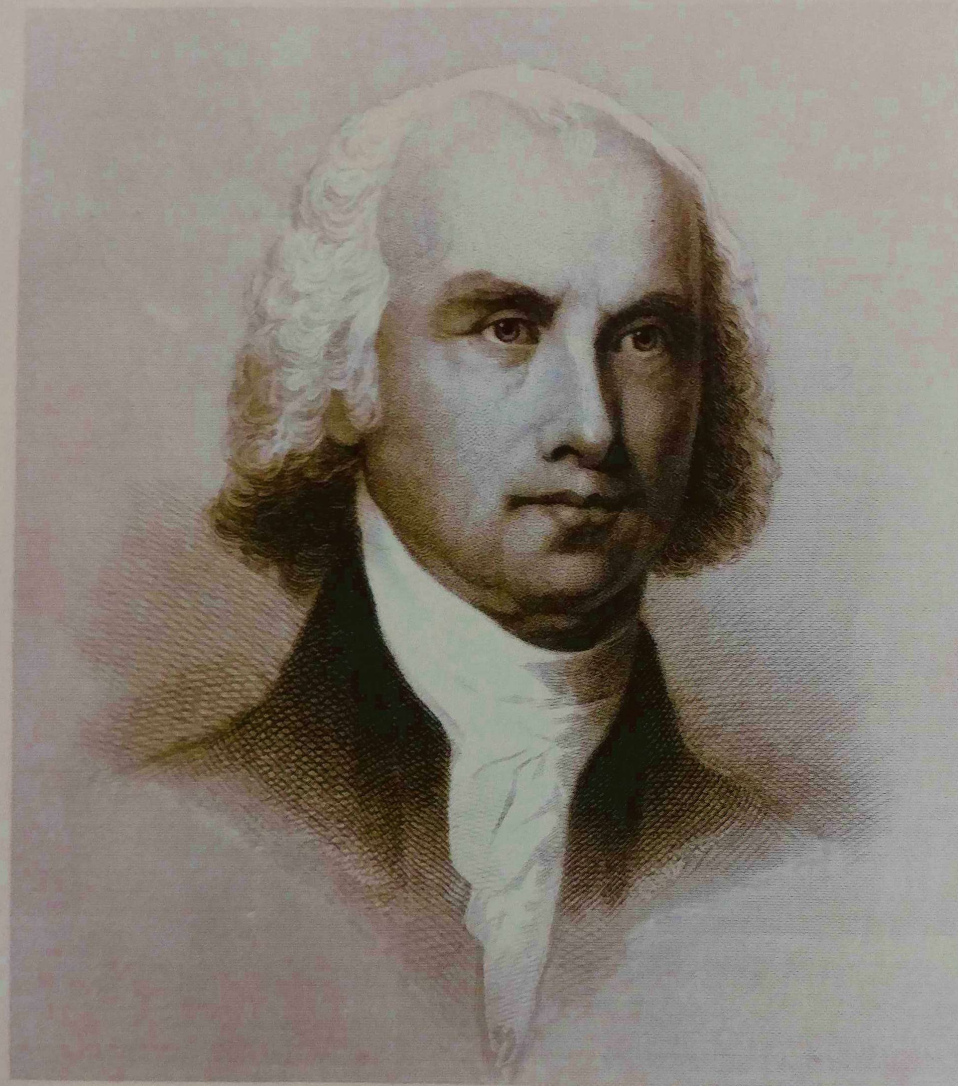
This promise helped to win approval for the Constitution. By July 1788, 11 states had ratified it. The following April, the new national government gathered for the first time in New York City.

The First Congress faced the important task of considering changes to the Constitution. The states had sent Congress a number of ideas for amendments. Many of them concerned a bill of rights. James

Madison of Virginia sorted through the various ideas. Then, he proposed a set of amendments to Congress.

On September 25, 1789, Congress voted to approve the 10 amendments known as the Bill of Rights. The amendments were then sent to the states for ratification (approval). When the state of Virginia approved them on December 15, 1791, they became part of the Constitution.

Over time, the courts have interpreted how the Constitution applies to various situations. In this way, the meaning of the Bill of Rights has grown in the years since 1791.



At first, James Madison wasn't sure if adding a bill of rights to the Constitution was necessary. But after he talked to many leaders and sorted through different ideas, he changed his mind. He then proposed the set of amendments to Congress that were later known as the Bill of Rights.



## 15.3 The First Amendment

The First Amendment prevents Congress from making laws that take away certain basic freedoms. Among these are freedom of religion, freedom of speech, and freedom of the press.

Freedom of religion was very important to many early Americans. For example, the Pilgrims left England because people there were forced to join the Church of England. Some American colonies also required people to belong to only one church.

The First Amendment protects Americans' freedom to choose their religious beliefs and practices. For example, not everyone prays to the same God. Some people don't pray to any God. For these reasons, courts have said that public schools cannot require students to say prayers.

Freedom of speech is the freedom to express opinions and beliefs. Because of the First Amendment, Americans are free to criticize the government and to express unpopular ideas.

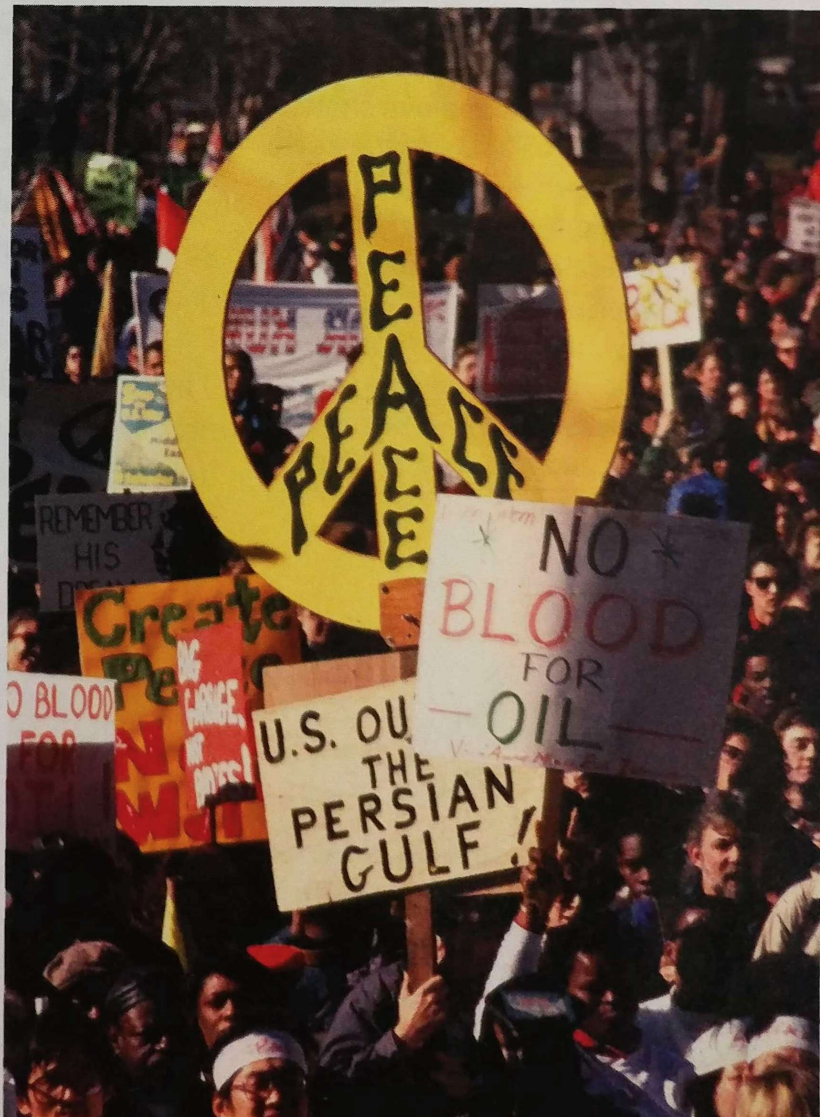
Americans wanted this freedom because many colonists had been arrested for criticizing British laws. In modern times, leaders like Martin Luther King, Jr. have demanded laws to protect the rights of all people. Without the First Amendment, King could have been put in jail just for saying what he believed in public.

Freedom of speech does have limits. People cannot use this freedom to harm others or to break the law. An example is yelling "Fire!" in a crowded theater just for fun. People don't have this freedom because someone might get hurt in the rush to escape the theater.

Freedom of the press means the freedom to report news and express opinions in newspapers and in other ways. In the colonies, British officials had closed down newspapers and smashed printing presses. Like freedom of speech, freedom of the press has limits. For example, it does not include the freedom to spread lies about other people.

The First Amendment also protects people's right to assemble (gather in groups) and their right to petition (ask the government to correct injustices).

The First Amendment protects citizens' rights to speak out against the government. Anti-war demonstrators, shown here, exercise their right of freedom of speech. These citizens disagreed with U.S. actions in the Persian Gulf conflict in 1991.







Minutemen, like the one shown here, were called to battle at the beginning of the Revolutionary War. Americans in 1789 wanted to be sure citizens could defend themselves, especially since there were no police. So, the Second Amendment was included in the Bill of Rights to protect people's right to "keep and bear arms."

## 15.4 The Second Amendment

The Second Amendment describes the need of states to have a militia, or volunteer army. For this reason, it says that the government cannot take away people's right to "keep and bear (carry) arms," or weapons.

Americans in 1789 wanted to be able to defend themselves. The Revolutionary War had started when militiamen grabbed their muskets to resist British soldiers. Americans remembered how "citizen soldiers" fought the British army to protect their rights. They also wanted to be able to hunt for food and to defend their families. In 1789, there were no police to protect people. In addition, many Americans lived in the countryside and feared attacks by Native Americans and outlaws.

Today, the Second Amendment protects the right to own hunting rifles and certain other kinds of guns. However, people argue whether every citizen has the right to own any type of gun. Many people say no. They are disturbed by violent crimes, accidental shootings, and other events involving firearms. They think that there should be laws controlling who can own and carry guns. Others argue that such laws are forbidden by the Second Amendment. They do not think that citizens should lose the right to carry guns just because some people misuse them.