

The American Constitution: A Graphic Representation

Complete the notes below as a guide to your understanding of the Bill of Rights

1st Amendment:

(What's the gist?)

1. What are the five protections in the 1st Amendment?
2. How can a person participate in government?
3. Is the 1st amendment absolute? Why?
4. What is inflammatory speech?
5. What is defamatory speech?
6. What does freedom of the press protect against?
7. Give one example of protected symbolic speech.
8. Can the United States ever establish an official religion?
9. Why is it important to have freedom of assembly?

2nd Amendment:

(What's the gist?)

1. What are the two separate ideas in the 2nd amendment?
2. What were militias?
3. What were militias' main interests?
4. Why did Anti-Federalists believe armed citizens were necessary?
5. What did the Heller decision confirm?

3rd Amendment:

(What's the gist?)

1. What conflict led to British soldiers being housed in settler's homes?
2. Why were British soldiers forced to stay in private homes?
3. What did the "Quartering Acts" force colonists to provide for British soldiers?
4. What "big idea" rights does the 3rd amendment protect?

4th Amendment:

(What's the gist?)

1. What does the 4th amendment guarantee the security of?
2. What is probable cause?
3. What must authorities have to search a residence?
4. When is a search reasonable?
5. What is the "Exclusionary Rule?"
7. Do you need to have a warrant to wiretap a phone call?
8. What 2001 piece of legislation rolled back 4th amendment protections?

5th Amendment:

(What's the gist?)

1. Who needs to establish the burden of proof for guilt in a criminal trial?
2. What did the Miranda vs. Arizona case establish?
3. What is double jeopardy?
4. What does "due process" guarantee?
5. What are the two types of due process? How are they different?
6. What does the government need to do if they are claiming land under eminent domain?

6th Amendment:

(What's the gist?)

1. How is "speedy" defined in the 6th amendment? Why could this be problematic?
2. Does the 6th amendment guarantee the right to a private or public trial?
Why is the right to public trial important?
3. Define impartial.
4. What is a capital case? (p. 109)
5. What Supreme Court case extended the right to counsel beyond capital cases?

7th Amendment:

(What's the gist?)

1. Does a party face jail time in a civil trial?
2. Why are damages paid?
3. What does family law cover?
4. How much money does a dispute need to be over in order to go to civil trial?
5. Who has the power to determine guilt in a civil trial?

8th Amendment:

(What's the gist?)

1. What is bail?
2. What does the 8th Amendment guarantee against in regards to bail?
3. Is bail a right? Why?
4. How is unusual defined in regards to the 8th Amendment?

9th Amendment:

(What's the gist?)

1. What is one challenge the founder's experienced when writing, "The Bill of Rights?"
2. What are unenumerated rights?
3. Name at least one unenumerated right?
5. The right to privacy is never specifically stated in the Bill of Rights. What amendments indirectly address this right?
6. Name at least 2 court cases that deal with the right to privacy.
7. Finish this quote, "This court's obligation is to define..."

10th Amendment:

(What's the gist?)

1. "Who" retains the power not specifically granted to the states or the people?
2. What important function did the 10th amendment serve for the Anti-federalists?
3. What types of separation of powers exist in the United States?
4. If states are less supervised by the federal government, they can become better, "_____."
5. What is one potential danger in not having strong federal laws?