

## Article VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth In Witness whereof We have hereunto subscribed our Names.

## Amendments \* The Bill of Rights

The Bill of Rights, or first 10 amendments, was passed by Congress on September 25, 1789, and ratified on December 15, 1791. Later amendments were proposed and ratified one at a time. The year of ratification appears in parentheses.

### First Amendment

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.

### Second Amendment

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.

### Third Amendment

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 VII: Ratification of the Constitution

To take effect, the Constitution had to be ratified by nine of the original 13 states. On June 21, 1788, the ninth state (New Hampshire) ratified. New York and Virginia ratified soon afterward. Rhode Island and North Carolina waited until the Bill of Rights was added to ratify. The Constitution went into effect on April 30, 1789.

### First Amendment (1791) Basic Freedoms

This amendment protects five freedoms that lie at the heart of American democracy: freedom of religion, freedom of speech, freedom of the press, freedom of assembly, and the freedom to *petition*, or ask, the government to correct wrongs.

### Second Amendment (1791) Right to Bear Arms

The right to bear arms guaranteed in this amendment is controversial. Americans are divided as to whether it applies to individuals or only to militias. The courts have ruled that individuals do have the right to bear arms, but that it is not an unlimited right. The Supreme Court has upheld some federal gun control laws, such as those requiring gun registration and waiting periods, but has ruled that other gun control measures should be left to the states.

### Third Amendment (1791) Quartering of Soldiers

In the turbulent years leading up to the American Revolution, American colonists were compelled to *quarter*, or house, British soldiers in their homes. This amendment bars the government from using private homes as military quarters, except in wartime and in a lawful way.

#### **Fourth Amendment**

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.

#### **Fifth Amendment**

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.

#### **Sixth Amendment**

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, which 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.

#### **Seventh Amendment**

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.

#### **Fourth Amendment (1791)**

##### **Search and Seizure**

Like the Third Amendment, this amendment protects citizens against government intrusions into their property. Government officials cannot search citizens or their property, or seize citizens or their belongings, without good reason. Searches and seizures generally require a *warrant*, or written order approved by a judge. The Supreme Court has ruled that the Fourth Amendment also applies to electronic searches and wiretapping.

#### **Fifth Amendment (1791)**

##### **Rights of the Accused**

This amendment guarantees basic rights to people accused of crimes. A *capital* crime is punishable by death. *Infamous* crimes are punishable by imprisonment. A *grand jury* is a group of citizens who hear evidence of a crime and decide if the evidence warrants a trial. An *indictment* is their formal accusation. These procedures are intended to prevent the government from prosecuting people unfairly. In addition, accused persons cannot be tried twice for the same crime, known as *double jeopardy*. They cannot be forced to *testify*, or give evidence, against themselves. They cannot be jailed or have their property taken without *due process of law*, or a fair court hearing or trial. The government cannot take away private property without paying a fair price for it.

#### **Sixth Amendment (1791)**

##### **Right to a Fair Trial**

A citizen accused of a crime has the right to a jury trial that is both public and "speedy," or that takes place as quickly as circumstances allow. An *impartial* jury does not favor either side. An accused person has the right to question witnesses and has the right to a lawyer. Both federal and state courts must provide a lawyer if the accused cannot afford to hire one.

#### **Seventh Amendment (1791)**

##### **Civil Trials**

Citizens have the right to a jury trial to settle lawsuits over money or property worth more than \$20. *Common law* refers to the rules of law established by previous judicial decisions.



### **Eighth Amendment**

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

### **Ninth Amendment**

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

### **Tenth Amendment**

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.

## **Later Amendments**

### **Eleventh Amendment**

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

### **Eighth Amendment (1791)**

#### **Bail and Punishment**

Bail is money that an accused person pays in order to get out of jail while awaiting trial. The money is returned when the accused appears at trial; it is confiscated if he or she doesn't appear. Bail and fines that are set by a court must be reasonable. Punishments for crimes cannot be "cruel and unusual." The meaning of this phrase has broadened to include punishment considered too harsh for a particular crime. In 2005, the Supreme Court ruled that laws that apply the death penalty to people 17 and younger constitute "cruel and unusual" punishment and are unconstitutional.

### **Ninth Amendment (1791)**

#### **Rights Retained by the People**

Americans have fundamental rights beyond the rights listed in the Constitution. The government cannot deny these rights just because they are not specified. This amendment was added out of fear that the Bill of Rights would be interpreted as limiting people's rights to those listed.

### **Tenth Amendment (1791)**

#### **States' Rights**

This amendment attempts to balance power between the federal government and the states. It gives to the states and to the people any powers not specifically granted to the federal government. States' rights and the scope of federal power have been the subject of intense debate since the founding of the Republic. Slavery was perhaps the most significant issue over which this conflict played out, eventually plunging the nation into civil war.

### **Eleventh Amendment (1795)**

#### **Lawsuits Against States**

People cannot sue a state in federal court if they are citizens of a different state or of a foreign country. The courts have interpreted this to mean that states may not be sued in federal courts without their consent.