

## **The Bill of Rights for Kids**

The Bill of Rights is the name of the first ten amendments found in the United States Constitution. The bill of Rights serves to protect the rights of liberty and property. The bill of rights also guarantees certain of personal freedoms, reserve some powers to the states and the public, and limit the government's power in judicial and other proceedings. While the amendments originally only applied to the federal government, many of their provisions are now applied to the states due to the passage of the Fourteenth Amendment.

The Bill of Rights was first introduced to the first United States Congress by James Madison as a group of legislative articles. These articles were then adopted on August 21, 1789 by the House of Representatives and were formally proposed on September 25, 1789 by a joint resolution of Congress, and finally came into effect on December 15, 1791 as Constitutional Amendments, after being ratified by three-fourths of the States. Although twelve of the amendments were passed by Congress, only ten of the amendments were passed originally by the states. Out of the remaining two that were not passed by the states, one amendment was later adopted as the 27th Amendment while the other technically is still pending before the states.

The Bill of Rights originally included legal protection for only for land-owning white men, and did not provide the same protection for women and African Americans. It took more Constitutional Amendments and many Supreme Court cases to finally give the same rights to all United States citizens.

The Bill of Rights is very important in to American government and law, and to this day it still remains an important symbol of the freedoms given in the United States.

## **Amendments of the Bill of Rights for Kids**

### **First Amendment of the Bill of Rights for Kids**

The First Amendment to the United States Constitution is the very first section of the Bill of Rights. This amendment prevents the following:

- Allow any law to be made that establishes a religion
- Stops anyone from freely exercising their religion
- Overstepping on the freedom of the press. This mainly revolves around:
  - o Content regulation
  - o Taxation of the press
- Shortening the freedom of speech. Some issues that have come up look at:
  - o Speech that is critical of the government
  - o Political speech (campaign speech, anonymous speech, flag desecration, and free speech zones)

- o Commercial speech
  - o Speech in school
  - o Obscenity
  - o Libel
  - o Private action
  - o Slander
  - o Memoirs of convicted criminals
  - o Involuntary administration of medicine
- Interfering with the right for peaceably assemble or not allowing petitioning for a redress of grievances by the government

The First Amendment originally only applied to any laws which were enacted by the Congress. However, after the case *Gitlow v. New York* (1925), the United States Supreme Court held that the Fourteenth Amendment's Due Process Clause applies the First Amendment not only to Congress, but to each state and any of its local governments.

#### **Fourth Amendment of the Bill of Rights for Kids**

The Fourth Amendment of the United States Constitution is also the fourth in the Bill of Rights. This amendment protects citizens from unreasonable seizures and searches. It also requires all warrants to be approved by a judge and be supported by some probable cause as well. The Fourth Amendment was adopted due to the abuse of a writ of assistance, which is a form of a general search warrant which was used during the American Revolution. According to the Amendment, searches and arrests must be limited in scope and should follow the specific information given to the issuing court and has been sworn on, typically by a law enforcement officer.

The Fourth Amendment is applicable when looking at governmental seizures and searches, but it does not apply to searches that are done by organizations or private citizens who are not acting for the government. Originally, the Bill of Rights only restricted this power of the federal government and not on the states. However, after the Supreme Court Case *Wolf v. Colorado*, the Court stated that the Fourth Amendment was applicable to state governments since the Fourteenth Amendment's Due Process Clause is also applicable to the states. Furthermore, many states have similar provisions within their own state constitutions.

The federal government's jurisdiction in criminal law used to be narrow, until the late 1900's, after Congress passed the Interstate Commerce Act as well as the Sherman Antitrust Act. Both of these acts resulted in the federal government's criminal jurisdiction expanding to also include other things like narcotics, and because of this more questions regarding the Fourth Amendment of the Bill of Rights went to the Supreme Court.

In these cases, the Supreme Court ruled that certain searches and seizures could violate the requirement of searches being reasonable as described in the Fourth Amendment, even if a warrant is reinforced by probable cause as well as limited in scope. However, the Supreme Court has also approved routine warrantless seizures in cases where probable cause for a criminal offense exists.

Therefore, the warrant requirement and the reasonableness requirement are a bit different. The reasonableness requirement is applicable not only just to searches in combination with seizures, but also to searches without a seizure, along with seizures without a search.

The main way the courts enforce the Fourth Amendment of the Bill of Rights is by using the exclusionary rule. This rule provides that any evidence obtained through a search and/or seizure that is in violation of the Fourth Amendment usually cannot be used by the prosecution in a criminal trial against the defendant.

### **Fifth Amendment of the Bill of Rights for Kids**

The Fifth Amendment of the Bill of Rights and the United States Constitution is an amendment that protects people against any abuse of government authority in a legal manner. The amendment guarantees comes from English common law and the Magna Carta. The amendment states that no citizen can be held to answer for a crime unless they are on presentment have been indicted by a Grand Jury, with the exception of cases that come out of the military. Furthermore, the amendment says that no person will be subjected to the same crime or offense twice. Third, the Fifth Amendment states that a person cannot be compelled to self-incriminate himself by testifying against himself. Individuals cannot be deprived of liberty, property, or life without receiving due process of law. Lastly, a person's private property cannot be taken for land use without receiving compensation for it.

### **Sixth Amendment of the Bill of Rights for Kids**

The Sixth Amendment in the Bill of Rights and the United States Constitution describes the rights in criminal prosecutions. The Supreme Court has applied these protections of the Sixth Amendment to all of the states by the Fourteenth Amendment's Due Process Clause.

The text of the Sixth Amendment states that in all and any criminal prosecutions, the accused will be given the right to a public and speedy trial, by an impartial jury of the district and state where the crime took place. The Sixth Amendment also describes the districts that were previously determined by the law. Under this amendment, the person will be informed about the cause and nature of the accusation, and he or she will be confronted by the witness who is against him or her. The defendant will also have a compulsory process for getting witnesses in his favor, and will be provided the Assistance of Counsel for setting up his or her defense.

### **Eighth Amendment of the Bill of Rights for Kids**

The Eighth Amendment of the Bill of Rights of the United States Constitution is the section of the Bill of Rights which does not allow the federal government to impose bail that is in excessive amounts, fines that are excessive, or punishments that are cruel and unusual. The United States Supreme Court has said that the Cruel and Unusual Punishment clause of the Eighth Amendment is not only applicable to the Federal government, but it is also applicable to the individual states.

### **Tenth Amendment of the Bill of Rights for Kids**

The Tenth Amendment of the Bill of Rights and the United States Constitution was the last of the proposed twelve amendments that were ratified on December 15, 1791. This Amendment describes that the principle of federalism in the Constitution by saying that any powers not given to the federal government, nor powers that are prohibited to the individual states by the Constitution are then reserved to the people or the states.

### **Thirteenth Amendment of the Bill of Rights for Kids**

Today we all celebrate Abraham Lincoln as the man that issued the Emancipation Proclamation and ended slavery in the United States. But did the Emancipation Proclamation actually end slavery for good? The answer is no. Lincoln, concerned that others might see his proclamation as a temporary order meant to hurt the rebel states push for the 13th amendment, which outlawed slavery everywhere in the United States. Remember, that the emancipation proclamation only declared that slaves in the rebel states were free. The 13th amendment made slavery and involuntary servitude illegal everywhere in the United States.

#### **What is free will?**

Free will is the right to do whatever you want without consequences. Our free will is limited by the law, which makes certain behaviors crimes and society, which disapproves of certain behaviors. You may have the free will to have a messy room, but your parents can limit your free will and tell you to clean up that mess.

#### **What forms of slavery are illegal thanks to the 13th amendment?**

One cannot be forced to work to pay off a debt. This is called peonage. One cannot be threatened to work off a debt either. If there is a debt between two people, the person the owes the other person has to volunteer or agree to work off the debt.

Let's break down the important text of the 13th amendment!

#### **Section 1**

Neither slavery nor involuntary servitude,

(involuntary servitude is being forced to work against your free will, even if you are paid)

except as a punishment for crime...

(if you commit a crime, the United States can make you work as punishment for what you did)

... whereof the party shall have been duly convicted,

(you have to be guilty of the crime before you can be forced to work against your free will)

shall exist within the United States, or any place subject to their jurisdiction.

(slavery cannot exist in any state in the United States or any territories or land that the US might

have)

## **Section 2**

Congress shall have power...

(this section gives Congress a responsibility against slavery...)

...to enforce this article by appropriate legislation

(...to pass laws against slavery and punish those that force people to work against their free will)

The 13th amendment was needed to put an end to slavery once and for all. Before the 13th amendment, there were many laws that protected slavery, so passing this 13th amendment instantly threw all of these old laws out. Twenty-seven out of thirty-six states ratified the amendment and the 13th amendment was adopted into the constitution on December 6, 1865.

After the 13th amendment, no one could force anyone, with physical force, fraud or threatening legal action to work against their will. This did not stop people from scaring people into working for them, although this was outlawed in 2000. If anyone forces anyone else to work against their free will, then the United States government will prosecute them for violations of the 14th amendment.

## **Fourteenth Amendment of the Bill of Rights for Kids**

### 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.

### SECTION 2.

Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

### SECTION 3.

No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

#### SECTION 4.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

#### SECTION 5.

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

#### OVERVIEW

The 14th amendment is a very important amendment that defines what it means to be a US citizen and protects certain rights of the people. There are three important “clauses” in the 14th amendment, each of which are still important today. A clause is a sentence in any part of our constitution.

Citizenship Clause – the citizenship clause gives individual born in the United States, but especially at that time, African Americans the right to citizenship. Before the 14th amendment, African Americans could not become citizens and this limited the rights of those that were able to escape slavery and become free. This clause allows all people born in the United States to be US citizens. Although this right was established by the Civil Rights of 1866, this amendment made the law permanent as many feared that the law could be overturned and take away the citizenship of African Americans. Later on, the Supreme Court protected this right for the children of immigrants and the right of Native Americans to become citizens also was protected later on.

Once you have American citizenship, it cannot be taken from you by Congress or other authorities, unless you lie to government during the process to get US citizenship. Otherwise, everyone that becomes an American citizen stays an American citizen, unless they give it up themselves.

Due Process Clause – the due process clause protects the 1st amendment rights of the people and prevents those rights from being taken away by any government without “due process.” Due process is a trial by jury for all people accused of wrongdoing. Although you may think the 1st amendment already protects these rights, the 14th amendment specially enforces the Bill of Rights on the states, to make sure that they can never limit the rights of Americans without fairness. There were also a number of rights that are protected for those that are accused of a crime but have not been proven to do anything wrong yet.

Equal Protection Clause – This part of the fourteenth amendment states that there may be no discrimination against them by the law. The federal government enforces this protection on the states, ensuring that they do not. Remember that the Bill of Rights protects some rights for Americans. The equal protection clause extended this protection to the state governments. This clause of the 14th amendment would later be used to end discrimination and segregation in the South.

The 14th amendment was important in bring the Confederacy back into the United States after the Civil War. The US took responsibility for the pensions for soldier that had fought in the war and refused to take on the Confederate debts, while also preventing former Confederate leaders from holding elected office or civil positions. Section 3 of the amendment allowed some of these leaders to regain their posts if 2/3 of the state legislatures voted to allow it. The 14th amendment also ensured that debts due to the emancipation of slaves were “null and void” (not allowed).

### **Fifteenth Amendment of the Bill of Rights for Kids**

The 15th amendment protects the rights of Americans to vote in elections to elect their leaders. Specifically, it confirms the right to vote and lists conditions that are illegal to deny another person the right to vote. Any American cannot be denied the right to vote, based on race, color or being a former slave.

The 15th amendment was important in that it not only finally gave African Americans the right to vote, but also allowed the most African Americans in history to be elected into public office. Once in office, they pursued laws that provided schools for all children and allowed people of different races to be married.

After the US Army was pulled out of the South, white Southerners reasserted their power and passed laws that prevented those whose grandfathers had not been citizens from voting as well as making people pay to vote. This prevented African Americans from voting meaningfully in the South until much later in the 20th century. Therefore, even though the 15th amendment protected the voting rights of African Americans and other minorities, it was not until much later that the federal government stepped in to enforce it.

### **Before the 15th amendment**

Before the 15th amendment and the Civil War, African Americans, even those who were not slaves, could not vote. The right to vote would imply that these men were citizens, which was not acceptable to Americans at the time. The Supreme Court case of Dred Scott v. Sanford set the rule for African Americans not voting and this rule was in place until the 15th amendment.

Let us look at the text of the amendment

### **Section 1**

The right of citizens of the United States...

(The 14th amendment grants citizenship to all born in the United States and this amendment grants them the right to...)

...to vote shall not be denied or abridged by the United States or by any State...

(the federal or any state government may never take away this right)

...on account of race, color, or previous condition of servitude.

(all persons, regardless of their ethnicity, race or status as a former slave has the right to vote)

## **Section 2**

The Congress shall have power to enforce this article...

(The legislative branch, congress must enforce the 15th amendment)

...by appropriate legislation.

(by passing laws to protect the right to vote for the people mentioned in this amendment)

## **Problems with the 15th amendment**

Many states were wary of the 15th amendment, mostly because they did not want Chinese and Irish immigrants voting. In fact, California and Oregon would not ratify the amendment due to the large amount of Chinese immigrants that lived there. It was not until almost 90 years later that these states would ratify the 15th amendment. The 15th amendment passed, without the support of these states, in 1870 and these protections largely helped African Americans, as long as there were federal troops to protect them.