

## **U.S. Bill of Rights**

In the United States, the first 10 amendments to the U.S. Constitution, which were adopted as a single unit on December 15, 1791, and which constitute a collection of mutually reinforcing guarantees of individual rights and of limitations on federal and state governments.

The Bill of Rights derives from the Magna Carta (1215), the English Bill of Rights (1689), the colonial struggle against king and Parliament, and a gradually broadening concept of equality among the American people. Virginia's 1776 Declaration of Rights, drafted chiefly by George Mason, was a notable forerunner. Besides being axioms of government, the guarantees in the Bill of Rights have binding legal force. Acts of Congress in conflict with them may be voided by the U.S. Supreme Court when the question of the constitutionality of such acts arises in litigation.

The Constitution in its main body forbids suspension of the writ of habeas corpus except in cases of rebellion or invasion (Article I, section 9); prohibits state or federal bills of attainder and ex post facto laws (I, 9, 10); requires that all crimes against the United States be tried by jury in the state where committed (III, 2); limits the definition, trial, and punishment of treason (III, 3); prohibits titles of nobility (I, 9) and religious tests for officeholding (VI); guarantees a republican form of government in every state (IV, 4); and assures each citizen the privileges and immunities of the citizens of the several states (IV, 2).

Popular dissatisfaction with the limited guarantees of the main body of the Constitution expressed in the state conventions called to ratify it, led to demands and promises that the first Congress of the United States satisfied by submitting to the states 12 amendments. Ten were ratified. Individual states being subject to their own bills of rights, these amendments were limited to restraining the federal government. The Senate refused to submit James Madison's amendment (approved by the House of Representatives) protecting religious liberty, freedom of the press, and trial by jury against violation by the states.

Under the First Amendment, Congress can make no law respecting an establishment of religion or prohibiting its free exercise, or abridging freedom of speech or press or the right to assemble and petition for redress of grievances. Hostility to standing armies found expression in a guarantee of the people's right to bear arms and in limitation of the quartering of soldiers in private houses.

The Fourth Amendment secures the people against unreasonable searches and seizures and forbids the issuance of warrants except upon probable cause and directed to specific persons and places. The Fifth Amendment requires grand jury indictment in prosecutions for major crimes and prohibits double jeopardy for a single offense. It provides that no person shall be compelled to testify against himself, forbids the taking of life, liberty, or property without due process of law or the taking of private property for public use without just compensation. By the Sixth Amendment, an accused person is to have a speedy public trial by jury, to be informed of the nature of the accusation, to be confronted with prosecution witnesses, and to have the assistance of counsel. Excessive bail or fines and cruel or unusual punishment are forbidden by the Eighth Amendment. The Ninth Amendment protects unenumerated residual rights of the people, and by the Tenth, powers not delegated to the United States are reserved to the states or the people.

After the Civil War, slavery was abolished, and the Fourteenth Amendment (1868) declared that all persons born or naturalized in the United States and subject to its jurisdiction are citizens thereof. It forbids the states to abridge the privileges or immunities of citizens of the United States, or to deprive any person of life, liberty, or property without due process of law. After 1924, the due process clause was construed by the Supreme Court as guaranteeing that many of the same rights protected from federal violation were also protected from violation by the states. The clause finally made effective the major portion of Madison's unaccepted 1789 proposal.