

3.1 The Bill of Rights



ESSENTIALS

1. The U.S. Constitution includes a Bill of Rights specifically designed to protect individual liberties and rights.
2. Civil liberties are constitutionally established guarantees and freedoms that protect citizens, opinions, and property against arbitrary government interference.
3. The application of the Bill of Rights is continuously interpreted by the courts.
4. The Bill of Rights, the first ten amendments, are enumerated liberties and rights of individuals. These amendments protect us against arbitrary government.

1. What is the underlying idea of this cartoon?
2. Nearly four in 10 Americans can't name a single one of the five First Amendment freedoms, according to survey results. Speech enjoys the highest recall at a far-too-low 54 percent. Only 17 percent could name freedom of religion, 12 percent knew the amendment guarantees their right to assemble, 11 percent cited freedom of the press and 2 percent could name the right to petition government for a redress of grievances.

Does this ignorance about our rights matter? How might we educate our citizens better about their fundamental rights?

The U.S. Constitution includes a Bill of Rights specifically designed to protect individual liberties and rights.

- Briefly tell the story why the Bill of Rights were added to the U.S. Constitution.
- Explain the significance of the S.C. case Barren v. Baltimore (1833)
- What is the difference between civil liberties and civil rights?
- Explain how the Declaration of Independence has been cited as our promissory note for both liberty and equality

Civil liberties are constitutionally established guarantees and freedoms that protect citizens, opinions, and property against arbitrary government interference.

- What is meant by *arbitrary government interference*? Find examples throughout the world today of *arbitrary government interference*.

- Who tells us what our constitutionally established guarantees mean? What checks them?

The courts continuously interpret the application of the Bill of Rights.

Find three (3) **recent** court cases that help us further define and interpret what our fundamental Bill of Rights freedoms mean.

PRACTICE: CONCEPT APPLICATION QUESTION

State and local governments have been levying greater and greater fines and relying heavily on forfeitures in recent years, often at the expense of people who can least afford to pay. Fines and forfeitures are punishments, but they can also make money for cities and states, which gives governments an incentive to increase these punishments to excessive levels.

But the right to be free from excessive fines and forfeitures is a basic right of all Americans, recognized by the Framers as no less important than its Eighth Amendment siblings, the right to be free from cruel and unusual punishments and from excessive bail (as well as other fundamental rights, such as those secured by the First and Second Amendments). The Excessive Fines Clause and the protection against excessive fines should be recognized as a right secured by the federal Constitution against state transgressions, and as a bulwark against the states' financial and political incentives to increase fines and forfeitures more and more...

...Anglo-American law has long recognized the wrongness of excessive fines and forfeitures, from 1215 to 1689 to 1791. That right is as important as the others that the Bill of Rights protects.

Indeed, for the poor, the right is especially important, because excessive fines and forfeitures can impose harsh burdens on poor defendants, burdens that have effects lasting for years. And revenue from fines and forfeitures tempts governments to constantly increase them, and state courts to neglect scrutinizing them. This Court should grant certiorari and decide whether the Excessive Fines Clause should be enforced against state and local governments—as are the other clauses of the Eighth Amendment, and the great majority of the other parts of the Bill of Rights.

Excerpted from Brief of Amici Curiae Professors in Support of Petition for Writ of Certiorari, *Timbs v. Indiana* (2019)

After reading the scenario, respond to A, B, and C below:

- A. According to the scenario above, identify what section of the U.S. Constitution you can find the 8th Amendment.
- B. In the context of the scenario, explain how federalism affects the 8th Amendment.
- C. In the context of the scenario, explain how public opinion affects Court decisions.