



Know Your Bill of Rights

By: Patricia A. O'Malley.

Originally published in the *51 Corridor Community Newspaper*, December 11, 2008.

Americans are probably swifter to assert their legal rights than any other nationality. We may not always know exactly what they are, but we know that we have rights and we expect our government to honor them.

Last week, I wrote about the UN International Human Rights Day. Next Monday is the 217th anniversary of the US Bill of Rights. Some of our rights appear on both items. The difference is that the UN Declaration of Human Rights is simply a statement of intention. It has no legal authority. The American Bill of Rights is part of our nation's primary legal document and is enforced by law.

Our founders prepared the original Constitution in 1787. It became law in 1789, after the states ratified it. The amendments are simply changes or additions to the original text. The amendment process requires two steps. First, Congress passes a proposed amendment, by a vote of 2/3 of each the House and the Senate. Then the amendment must be ratified, or approved, by ¾, or 38, of the state legislatures. The most recent amendment, the 27th, passed in 1992. The Bill of Rights is the first ten amendments to the Constitution.

Some of the delegates to the Constitutional Convention in 1787 were concerned about British violations of civil rights before and during the revolution. They wanted our Constitution to contain a specific list of our rights. Other delegates thought it was unnecessary. Due to political maneuvers, the states ratified the Constitution without that list. However, the first US Congress presented 12 proposals to the states on September 25, 1789. Two of those proposals were defeated. The remaining ten became our Bill of Rights. It was ratified on December 15, 1791.

Here they are:

First Amendment - protects people with different or unpopular ideas by protecting our freedoms of speech, press, religion, peaceful assembly, and to petition the government.

Second Amendment – protects our rights to own guns and to maintain a militia.

Third Amendment – prohibits the government from housing soldiers in our homes.

Fourth Amendment – requires that the police must have a warrant issued by a court before they can search us, or our homes, or take our property.

Fifth Amendment – lists our rights to proper procedure when arrested for a crime, prohibits self-incrimination and double jeopardy.

Sixth Amendment – protects our right to trial by a jury and other rights when we are accused of crimes.

Seventh Amendment – protects our rights in civil trials.

Eighth Amendment – protects us from excessive bail and fines, and from cruel and unusual punishments.

Ninth Amendment – protects rights that are not specifically included in the Constitution.

Tenth Amendment – protects powers of the states and the people.

There are six other important amendments:

Thirteenth Amendment (1865) – abolished slavery.

Fourteenth Amendment (1868) – guarantees equal protection of the law to everyone, regardless of race, sex, religion, or national origin.

Fifteenth Amendment (1870) – guarantees the right to vote regardless of race.

Nineteenth Amendment (1920) – guarantees the right to vote to women.

Twenty Fourth Amendment (1964) – abolished poll taxes and guarantees the right to vote even if you haven't paid your taxes.

Twenty Sixth Amendment (1971) – guarantees the right to vote to citizens age 18 and older.

So what can ordinary people do when the government violates these rights? The American Civil Liberties Union has defended our rights since 1920. With more than 500,000 members and supporters, the ACLU insists that the government respect civil liberties, even in times of national emergency. After all, it's easy to honor public rights when times are comfortable. It's when times are difficult that it really matters.

What has the ACLU done for you? Just this year, after the ACLU intervened, the US Department of Veterans Affairs agreed to allow the families of deceased service members to place religious symbols on headstones in federal cemeteries. In Pittsburgh in July 2008, the ACLU filed an appeal for a Bridgeville man convicted of harassment because he complained to Bridgeville authorities about noise and pollution caused by a concrete manufacturing plant across the street from his home. Since 2001, the ACLU has led the fight against government violations of the first, fourth, fifth, sixth, eighth, and fourteenth amendments through the "Patriot" Act and the Military Commissions Act. Those violations affect both American citizens and prisoners of war behind bars at Guantanamo. During the 2008 presidential election campaign, the ACLU fought government efforts to prevent tens of thousands of citizens from voting in Michigan and Ohio.

You can help yourself. Learn about your rights. Be alert. If your rights are violated, contact the ACLU. You can help others. Contact your legislators and President-elect Barack Obama (www.change.gov). Insist that they act to repeal unconstitutional laws and to protect our rights.

For more information, go to www.aclu.org, www.billofrightsinstitute.org, and www.usa.gov.

Contact the Pittsburgh Chapter of the ACLU at
313 Atwood Street
Pittsburgh, PA 15213
Phone: 412-681-7736 or toll free 1-877-PGH-ACLU (744-2258)
Fax: 412-681-8707
Email: info@aclupgh.org

*Pat O'Malley is a consultant to nonprofit agencies.
Contact Pat at communitymatters@patomalley-consulting.com.
Read past columns at www.patomalley-consulting.com*