

The Bill of Rights

Using a copy of the First Ten Amendments to the Constitution, commonly known as the Bill of Rights, and the Online Research Library, you will answer the questions, typed and in complete sentences. This is a test grade worth **100 pts**. You **MUST** number your paper as seen below. **This assignment is due on Monday, August 14, 2017. Remember, plagiarism is taken very seriously here at North Gwinnett. As a part of the school honor code, we expect you to turn in original work. If I feel or find that you've plagiarized your work, or been academically dishonest in any way, you will face disciplinary and academic consequences!**

1st Amendment

Freedom of Religion

1. Explain the establishment clause to the freedom of religion.
2. Explain the free exercise clause to the freedom of religion.

Freedom of Speech

3. What is the "clear & present danger" test?
4. How is this test being reformulated in America today?
5. What is the "marketplace of ideas"?
6. Is it possible in 21st century America?

Freedom of Press

7. In modern America, can and should the press be held accountable?
8. If so, who should be responsible for holding the press accountable?
9. Give examples of why the press should be held accountable.

Freedom of Assembly

10. Does the "right of assembly" ever become difficult? If so, why?
11. Explain the relationship between the "right of association" and the "right to assemble".

Freedom to Petition

12. Explain the relationship between the "right to petition" and the "right to assemble".

2nd Amendment

Right to Keep and Bear Arms

13. Explain the "individual right" theory.
14. Explain the "collective right" theory.
15. Explain the difference between the two theories.
16. Explain which theory you favor and why.

3rd Amendment

Quartering Troops

17. This amendment is often known as the “forgotten amendment”. Why is this the case?
18. Should it be “forgotten”? Why?

4th Amendment

Unreasonable Search and Seizure

19. Explain the measurable factors of a “reasonable search”.
20. Explain when a search can be “unreasonable”.
21. With regards to “probable cause” in issuing warrants, when has the Supreme Court explained it as being suitable?

5th Amendment

Right to a Grand Jury Indictment

22. What are the good and bad aspects of the grand jury system?

Double Jeopardy

23. Give a summary of the parameters of jeopardy. How does power and freedom relate to it?

Right Against Self-Incrimination

24. Why was this right included in the Bill of Rights? Is it necessary? List and explain reasons for and against it.
25. This right is very well known, but at the same time, very unpopular. Why do you think this is the case?

6th Amendment

Right to an Impartial Jury

26. Why did the Framers of the Constitution include this section?
27. List and explain the components of the “impartial jury” requirement.

Right to Confront

28. Outline the key features of the “right to confront”.
29. How essential is the “right to confront” to the accused’s ability to receive a fair trial? Why?

Right to Counsel

30. The case of *Gideon v. Wainwright* (1963) is considered to be crucial to the “right to counsel”. Why is this the case?
31. How was the “right to counsel” further strengthened by the case of *Strickland v. Washington* (1982)?

7th Amendment

Right to a Civil Jury

32. Explain the difference between a civil and criminal trial.
33. Do you feel civil trial juries can be fair? Do you feel they can be arbitrary?
34. Why did the Framers of the Constitution include this right?
35. Explain some of the issues that have been seen in recent decades concerning civil juries.
What do you think about these issues?

8th Amendment

Cruel and Unusual Punishment

36. What qualifications has the Supreme Court given us on determining “cruel and unusual punishment”?

9th Amendment

Rights Retained by the People

37. How did the case of *Griswold v. Connecticut* (1965) redefine this amendment?
38. Explain the controversy around this Supreme Court case.

10th Amendment

Powers Reserved to the States

39. What have been the parameters involving this amendment in recent decades?
40. How has the theory and practice of federalism been impacted by these parameters?