

Bill of Rights: What It Is

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Good Evening.

The Bill of Rights is one of the most special documents, not only in American history, but in the history of the world. It establishes some very wonderful new principles in addition to continuing other noble principles. When our country was founded, the founders wanted to establish a Constitution. A bone of contention was the Bill of Rights. There was fierce debate whether it should be included or not. Some people just wanted the Constitution to go through without the hassle of the Bill of Rights. George Washington was one of these people. Others believed the Bill of Rights was absolutely necessary to be established. First, the Constitution was ultimately passed. Then, the Bill of Rights was tacked on.

They're called the First Ten Amendments. Amendments implies to add on. If you would like to find out more about how the Bill of Rights came into existence, you should read the books written by Geoffrey St. John about our country's founding.

Fortunately, there is a broad range of people who encourage awareness about our Constitutional rights. These range from the most reactionary to the rebels.

When I went to high school in Illinois, we had a certain requirement. In order to pass government class, you needed to pass a Constitution test. In order to pass high school, you needed to pass government class. Thus, in order to pass high school, you had to pass a Constitution test. I find this requirement to be a good one. What else could be more important than having understanding about our Constitution and especially its rights?

Some, such as the ACLU, encourage us to be aware of our rights. in order that they may be preserved. An old friend of mine named Jeff Decker was one of the people who most promoted awareness of rights. He studied the matter. He exercised his rights, including defending himself in court [which he told us about]. He passed out handouts about our rights. Sadly, not very many people cared.

He also had a radio program where he discussed our Constitutional rights, particularly as they relate to the powers of police. I, being inspired by him, also have wanted to educate myself and others about our criminal rights, our Constitutional rights. I have read the Nolo Press *Criminal Law Handbook*. I recommend this book to

anyone who wants a great discussion about what specifically we are granted under the Bill of Rights.

Tonight, I would like to discuss what the Bill of Rights is all about. I would like to present these Amendments. It's good to be reminded. I also would like to share some insight of my own plus the insight of others. At the end, I would like to present a story of my life involving the First Amendment, the Fourth Amendment, the Fifth Amendment, the Sixth Amendment, if not other Amendments.

Some contend the issue of Constitutional rights is very relevant today considering the creation of such documents as the Patriot Act. I currently am in the process of reading this document. I believe it's valuable to do that. I hear some senators and congresspeople have not even read the document. Therefore, it really puts us ahead of the game if we can read it. Hopefully, very soon, I can get through it all.

The Patriot Act is claimed by opponents to take away some of our precious rights. Thus, naturally, they argue we need to oppose it. That brings up the bigger question of being aware of our rights. That is why we are here tonight, folks.

The First Amendment to the Constitution is perhaps my favorite. It guarantees freedom of speech, freedom of press, freedom of assembly, the right to petition the

government for redress of grievances also guarantees freedom of religion. Since I am a very expressive person, since my existence is founded upon expression, I love this Amendment. I cannot imagine living without it.

There was a woman I knew in college who told me a great saying. She said, "Democracy is like a muscle; if you don't use it, it goes away." If we replace democracy with freedom we get to the most important matter. Freedom is like a muscle. If we do not exercise it, it goes away. Therefore, if we do not exercise our First Amendment rights, they may go away. Those who exercise the rights the most value them the most.

Few organizations are as open-minded, are as expressive as this organization. Few organizations utilize their First Amendment rights to the fullest the way we do. Thus, this organization, by exercising these rights, are ensuring the preservation of these rights. I believe rights are intrinsically rewarding to a servant. These rights are not merely for ends, though they certainly can be used to serve ends, But in and of themselves, they are good to be used. They're good for actualization. They're good for the joy they involve.

Fortunately, the First Amendment over the years has relatively remained intact. There's been a scald but it still has stayed strong. The fact that this Amendment, along with the other Amendments, have generally stayed intact over the years, despite assaults from judges, cops, and others, is a testament to the great power of this document.

No stupid judge, no rotten cop has been able to abolish the Bill of Rights yet. There are a few limits to the First Amendment [Common Knowledge]. For example, you cannot use speech which you...or fully aware such speech would be libelous or slanderous. [Common Knowledge] You cannot make up lies about someone just because you do not like them [Common Knowledge].

I do wonder how sometimes this principle is noble, but it cannot prevent illogic from reigning. For example, lots of people claim that anyone that is to criticize the president, particularly in regard to the war effort in the Middle East today, you support Saddam Hussein. Most people I know who criticize the president do not support Saddam Hussein.

The country band got horrible assault. I don't particularly care for this band, but I have to emphasize with them because they were attack relentlessly, maliciously, for a relatively mild comment. One of their members said, "Bush makes me ashamed to be from Texas."

[“ In March 2003, during a concert in London just days before the U.S. invasion of Iraq, lead singer **Natalie Maines** told the audience, "Just so you know, we're on the good side with y'all. We do not want this war, this violence, and we're ashamed that the President of the United States is from Texas." The backlash was immediate and massive; the group (then known as the **Dixie Chicks**) was effectively blacklisted by country radio stations, faced public CD burnings, and received death threats. While the controversy severely damaged their commercial standing in the country music industry, it also transformed them into symbols of free speech and artistic integrity, eventually leading to their defiant 2006 hit "Not Ready to Make Nice" and a sweep of the Grammy Awards.” **Google Gemini**]

This was twisted into an anti-truth statement. It doesn't make any sense to me. Plus, all these people who said she supports Saddam Hussein because she said that, in my

book, are guilty of libel and slander if they are bright enough to realize what they are doing is false and wrong. If they're doing it just for their own political gain, it's bad.

Some people are just stupid enough to believe this. A former governor in Minnesota, said "You cannot legislate stupidity." Perhaps he's right.

The courts have also ruled you cannot use fighting speech. You cannot say something to provoke a violent reaction from someone. I'm not so sure about this. This type of thinking seems to me to make someone criminally responsible for the way someone else reacts to them. Though this hasn't been abused in major ways, the way it exists is seriously flawed.

Some, such as Freedom From Religion Foundation, contend we need absolute separation between Church and State. Others say, "It's not freedom *from* religion, it's freedom *of* religion", claiming people have the right to practice what they want, but it's okay. for religion to get involved in the government.

The Second Amendment to the Constitution is the famous right to bear arms. We hear debate over this event all the time. It's common knowledge we have such a debate. Sometimes I hear the debate boils down to a punctuation mark: Is there a semicolon there or not? Thus, next time your English teacher professor seems too nitpicky with your use of punctuation, ponder the potential ramifications that can result in your sloppy eating.

The Third Amendment to the Constitution is perhaps the least timely, the least relevant, the least important. Rights are generally very important. Even though this one is important, it's not as immediately important as most of the rest. Once upon a time, it was very important. But today, we don't have the same situation. This Amendment prohibits homeowners from being forced to quarter troops during times of peace, during times of war only to be prescribed by law. For the longest time we have not fought major portions of wars on American soil. Thus that part alone would perhaps make the Amendment not as relevant.

It is also not standard practice to house troops in private homes. We have sophisticated architecture, sophisticated buildings all over the place. There is no great need to house them in private homes.

Back in the day, it was standard practice to do this. The British government would require the colonists to house their troops. The colonists didn't like this. I heard... The troops did not have good manners. Even if they had impeccable manners, it still would not be a good deal. It is one's own home. Don't they have the right to say who can and cannot come there? Perhaps this Amendment led to the saying, "one's home is one's castle." One has a right to keep whoever they want in their own private sanctuary or refuse admittance in their private sanctuary.

It is good this Amendment is there just in case. Maybe in the future some situation will develop which will make this immediately relevant.

The Fourth Amendment to the Constitution prohibits unreasonable search and seizure. It demands a search warrant or at least probable cause in order for a private citizen to be searched. The search warrant must be signed by a judge or magistrate.

I like this Amendment. I try, whenever possible, to tell police officers, no, I'm not going to let you search. They, of course, do not like it, but that's too bad. Sometimes they get the attitude, you have something to hide. Excuse me. I would mind a searching. The great response to that is, if you had any good reason to search, you could procure a search warrant. So shut up!

They do not like the Fourth Amendment. What they need to do is take the first flight to North Korea. Or shut up. They need to do that.

The Fifth Amendment and the Sixth Amendment are related. They both pertain to courts and trials. The Fifth Amendment grants the right to a grand jury indictment for foulest federal offenses. Also, it mandates due process for both. one's liberty and one's property to be taken away. It prevents double jeopardy. It also ensures one the right to refuse to issue testimony that would incriminate oneself during a court trial. These are crucial events.

I hear these rights emanated from the British system. The British were doing something right, too. Therefore, in a sense, to prove the guilty. is, of course, a pillar of our criminal justice system, too.

Some of the Fifth Amendment, I hear, they were not practicing to the fullest, which also relates to the Sixth Amendment, which I plan to get into shortly. It is important to have due process This way the government cannot take away your liberty or property without going through the proper procedures, without hopefully having some fairness in the process. What is tricky about rights is evildoers are like viruses. They find ways of getting around them. These costly judges cannot directly violate your rights, but they find ways around it, just as the Ku Klux Klan has.

Back in the day, laws were passed which said you cannot discriminate at the polls based on race. The Klan, being the fighters they are, found ways around that [historians say]. They required poll tags, literacy tests [historians say]. On the surface, they were not directly discriminating based on race, but in actuality, they were [historians say].

Double Jeopardy is the same way. They cannot try you for a federal murder for the same person two times. But what they can do is try you for slightly different crimes [as observers note]. Or try you for different counts of the same crime. Maybe you committed 12 acts of battery. They try you for six. You're put in a six, they try you for the other

six, even though it's one incident. There's ways around rights.

Lots of people do not like rights. Thus, they are determined to find ways around them. The grand jury indictment one is also the same situation. One famous saying by a legal professional is "Grand juries are so stacked in favor of the prosecution that any competent prosecutor could indict a ham sandwich." Nolo Press's *Criminal Law Handbook* talks about how badly grand jury indictments are. They say almost always they get an indictment. They say basically... "The grand jury is a rubber stamp for the prosecutors to go ahead. There's a right on paper, but in any important sense, it has lost its meaning and legitimacy when any prosecutor can indict a ham sandwich.

Nolo Press also talks about how restricted one's rights are to a grand jury. You have different rights in regard to a grand jury than you do during the criminal trial itself.

Sixth Amendment is a continuation of the rights in the Fifth Amendment. Sixth Amendment guarantees you the right to a speedy public trial for impartial jury. It also gives you the right to call witnesses on your behalf, to confront your accusers, guarantees your right to the assistance of counsel, plus the right to be notified of the exact nature of the crime of which you are accused.

A speedy public trial is vital. They cannot hold you in prison indefinitely. There are very strict guidelines that

have been developed with how quickly it must proceed. Otherwise, they can just say, maybe if we feel like it, 30 years, 40 years, we may put you on trial for shoplifting.

The public part is important, too. Public trials, anyone can see. If the judge or the prosecutor is out of line, everyone can see that. They can get irate. If they are smart enough to do so. Also, this can turn itself around because people can also see the defendants, too, in the defense. Some defense lawyers are unbelievable. People can see that, too. I have heard there's great controversy over "whether allowing television cameras in the courtroom is truly granting a fair trial."

Knowing particulars is important. In order for you to defend yourself, it's very helpful to understand what specific laws you are violating.

Calling witnesses on your behalf is incredibly important. When you do this, you're allowed to make your case stronger. If you could not do that, it would all be stacked against you. This is why grand jury indictments are so stacked: Because you cannot... "issue evidence on your own behalf" [Like Nolo's *Criminal Law Handbook* says.]. "All you can do is refute any questions the prosecutor may have of you if they choose to have you testify before a jury" [Like Nolo's *Criminal Law Handbook* says.]

Confronting your accusers is extremely vital. When you have this opportunity, you can poke holes in what they're saying. If they are saying something that's illogical, that's

plain out false, you have the right to ask questions which makes their account seem false.

Assistance of counsel is vital. We are granted the right to a lawyer. The lawyer can defend you, help you out. If you also choose, you have the right to be your own lawyer. I love that right.

In the Chicago 8 trial, Bobby Seale... got very angry because he felt the judge was denying him the Sixth Amendment right. His first lawyer, Charles Gary, fell ill during the trial. He had to get a major surgery. He could not actively represent Steele. Steele then said, "I want to represent myself until or if Gary can represent me." The judge said, "No. William Kuntzler is there to represent you." Steele said, "No, I don't want him to represent me." The judge said, "He issued papers on your behalf. He's your lawyer. Take it." [This paragraph I got from listening to The Chicago Conspiracy Trial By: Peter Goodchild].

But so many of the contempt citations, as one book pointed out, in that trial, consisted of Bobby Seale, saying, "I want my Sixth Amendment rights. You're denying my Sixth Amendment rights." He is very, very persistent.

I have read the contempt citations of this trial. There's one book that compiled all of it. In the process, I discovered some of the other defendants were perhaps unreasonable in their conduct, but I reinforced my belief Bobby Steele's conduct was perfectly justified. This clearly illustrates how they can take away your rights.

Also, you have the right to confront your accusers, call witnesses on your own behalf. But the judge can just, if you have some great point of some witness, they can find some excuse to deny that witness. Therefore... you lose out.

The Seventh Amendment to the Constitution guarantees jury trials in civil matters above \$20. Today, in virtually every substantial civil matter, we have the right to be trialed by jury. Since civil trials have both a plaintiff and a defendant, either party may elect to have a jury trial. One wants it, they both get it.

The Eighth Amendment to the Constitution prohibits excessive bail being imposed, also cruel and unusual punishment for being inactive. You cannot be thrown in jail for \$5 million bail for stealing 50 cents at a baseball park. That's clearly unreasonable. You probably think that never happens. You think that you're wrong. Maybe not that exaggerated, but it does happen. Excessive bail is imposed often.

In Philadelphia, four years ago during the Republican National Convention, some protesters were held in jail. I heard one lawyer talk in Philadelphia about the situation he said, "the fact they were holding these defendants on In some cases, \$1 million bail, \$500,000 bail for misdemeanors was unprecedented." Later, I heard, the city ended up dismissing most, if not all, of the charges.

My belief is, in order of increasing sense, there is... The prosecutors, the judge. The cops are so dumb, so unreasonable, they impose this bill. If my information is correct, the prosecutors dismiss the charge. That proves they're more sensible than the cops. Sometimes it gets to the judge. Sometimes the judge is sensible, sometimes not.

Cruel and unusual punishment is also important. At first glance, one may think, does it really matter if punishment is unusual? Certainly, unusual punishment does not necessarily have to be cruel. I hear about some creative punishments which are probably way less cruel than usual punishment. Most of us saying cruel punishment is bad.

Perhaps what the parameters of our Constitution were thinking, unusual punishment can be cruel punishment, not necessarily, but there's great potential for unusual punishment to be abused. Unusual by its very definition implies it has not been tried very often. If it was tried often, it would be usual. Therefore, we do not have a clear understanding of its effect. We're not sure if it's fully cool or not. It also... make sure there's consistency. Judges cannot randomly throw out some punishment because they feel like punishment has to be within our consistent practice.

The Ninth Amendment reserves whatever rights are not explicitly given to the government to us, the people.

The Tenth Amendment guarantees whatever rights are not given to the people and the federal government, the state is respected.

In 2003, I came into a situation which involved at least four Amendments. The First Amendment, the Fourth Amendment, the Fifth Amendment, and the Sixth Amendment. The situation of mine illustrates both how these can be violated, also how they can be exercised and experimented.

On June 4, 2003, I went to protest Joseph's Liquor Shop. I understand clearly what my legal limits are and what I can do. Thus, I sought to stay within the law. I sought to obey the law to exercise my rights. One would think you would not be arrested. You would not be cited. It would all be okay. But no, such was not the case.

I have talked about this event at length on other occasions. Tonight, I would like to focus more specifically how this event happened. pertains to our business rights.

The shop owner did not like what I was doing. Therefore, they were so stupid to think the police officers, the law had the right to stop me from peacefully and orderly protesting their shop.

The cops came. I did not say a word to the cops. In fact, I was silent. They did not like this at all. But as Nolo Press says, "You do not have to say a word to cops." [*Criminal Law Handbook*] It's your right. I exercised that right. The cops did not like the fact I was not responding to them.

Even they know we have the First Amendment. They can't arrest me for speaking out against Joseph's Liquor. What they can do is find some way around it. Two officers were standing there, throwing out possibilities. You can get it for not having a permit, vagrancy, They wanted me to identify myself. I chose not to do so. I don't have to [Like Nolo Press's *Criminal Law Handbook*].

One officer picked up my bag. I grabbed it too. We struggled. For a second, he said, "You do not want to get in this". I still held on. He said, "Let go." Since I did not want a billy club or any other device used on me, I decided it was prudent to let go. Nolo Press [*Criminal Law Handbook*] said, "If the police officers insist upon searching you, even if You make it clear you do not consent to the search. Allow them to do so, but make it even more clear you are not consenting." They Nolo Press [*Criminal Law Handbook*] say if you try to prevent them from searching, there can be a big mess.

He went through my bag. There was nothing in there that would interest him. A notebook he went through. As he was doing this, I yelled, "I do not consent to this search. I do not consent to this search."

Fourth Amendment right is violated out there. When he took my bag, when he started searching, I said, "Do you have a search warrant?" He said, "I don't need one." That was caught on tape. He thinks he's above the law. He does not have to follow the Bill of Rights. He doesn't like it.

Move to North Korea, Larry Kreps [the name of this officer mentioned here]. Remember that name. If you're in Mankato, he's a bad one to watch out for.

Ultimately, they arrested me. They took me to a police station. They eventually released me, telling me “not to go back there.” My First Amendment right was violated. I was charged with disorderly conduct.

I started researching disorderly conduct. I knew what I was doing was within law. The question was, were they going to lie about it? Fortunately, I did not have to fight that battle. They were relatively truthful.

Later, You may think, see, police officers are truthful. I wonder if this is good. It demonstrates violating one's Fourth Amendment rights. One does not have to hide it. They're not ashamed of doing it. To me, it's very shameful to violate the Bill of Rights. something someone who was halfway civil may want to hide, but they did not. I realized what I wanted to do was defend myself, assert my right to a trial, inspired by my friend Jeff Decker [who has represented himself in a trial before].

Thus, the first hearing I demanded by right during trial. The prosecutor tried to heavy-handedly get me to confess. I did it. The charge would be dropped down. Police officers got me for a misdemeanor. She said, “If you plead guilty to a petty misdemeanor, no trial, we'll mark you down for that.” But I found out something very scary. If you plead guilty at your arraignment before ever talking to a

prosecutor, they will not even look at your file. They'll just send it straight to the probation table. Thus, even if you eventually, thus even if you want to plead guilty, I highly recommend waiting. If you plead guilty right away, you do not get your foot in the door. If you plead not guilty once, then the bargaining process starts [Nolo Press's *Criminal Law Handbook* describes the bargaining process as I recall]: Likely they will want to get you for a lesser charge. If you're guilty or aware of being guilty,