

Today is Bill of Rights Day.

AN APPROPRIATE TIME TO CONSIDER THE STATE OF OUR CONSTITUTIONAL SAFEGUARDS

THE FIRST AMENDMENT says that “Congress shall make no law . . . abridging the freedom of speech.” Government officials, however, have insisted they can gag recipients of “national security letters” and censor broadcast ads in the name of campaign finance reform.

THE SECOND AMENDMENT says the people have the right “to keep and bear arms.” Government officials, however, make it difficult to keep a gun in the home and make it a crime for a citizen to carry a gun for self-protection.

THE THIRD AMENDMENT says soldiers may not be quartered in our homes without the consent of the owners. This safeguard is one of the few that is in fine shape.

THE FOURTH AMENDMENT says the people have the right to be secure against unreasonable searches and seizures. Government officials, however, insist they can conduct commando-style raids on our homes and treat airline travelers like prison inmates by conducting virtual strip searches.

THE FIFTH AMENDMENT says that private property shall not be taken “for public use without just compensation.” Government officials, however, insist that they can use eminent domain to take away our property and give it to other private parties who covet it.

THE SIXTH AMENDMENT says that in criminal prosecutions, the person accused is guaranteed a right to trial by jury. Government officials, however, insist that they can punish people who want to have a trial—“throwing the book” at those who refuse to plead guilty—which is why 95 percent of the criminal cases never go to trial.

THE SEVENTH AMENDMENT guarantees the right to a jury trial in civil cases where the controversy “shall exceed twenty dollars.” Government officials, however, insist that they can impose draconian fines on people without jury trials.

THE EIGHTH AMENDMENT prohibits cruel and unusual punishments. Government officials, however, insist that a life sentence for a nonviolent drug offense is not cruel.

THE NINTH AMENDMENT says that the enumeration in the Constitution of certain rights should not be construed to deny or disparage others “retained by the people.” Government officials, however, insist that they will decide for themselves what rights, if any, will be retained by the people.

THE TENTH AMENDMENT says that the powers not delegated to the federal government are reserved to the states, or to the people. Government officials, however, insist that they will decide for themselves what powers they possess, and have extended federal control over health care, crime, education, and other matters the Constitution reserves to the states and the people.

It’s a disturbing picture, to be sure, but not one the Framers of the Constitution would have found altogether surprising. They knew that without eternal vigilance, constitutional protections could become mere “parchment barriers” to government overreach.

Cato’s core mission is to help provide that vigilance. To remind our fellow Americans of the dangers of concentrated power and the importance of protecting our liberties, the Cato Institute has distributed more than five million copies of our pocket Constitution.

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