

THE BILL OF RIGHTS TODAY

Student/Class Goal

How are our rights, liberties and responsibilities as citizens protected in our society today? To better understand their rights in the context of current events - there may have been informal discussions among students about news stories or personal experiences pertaining to their rights.

Outcome *(lesson objective)*

Students will define The Bill of Rights and how it relates to everyday life, then identify and explain the rights guaranteed in each amendment.

Time Frame

2-4 hours

Standard *Read with Understanding*

NRS EFL 3-6

Purpose	Benchmarks	Word Knowledge	Benchmarks	Comprehension	Benchmarks
Purpose for reading	3.1, 4.1, 5.1, 6.1	Decoding skills	3.3, 4.3, 5.3, 6.3	Strategy use	3.11, 4.11, 5.11, 6.11
Select text		Word parts		Text structural elements	
		Context clues	3.3, 4.3, 5.3, 6.3	Genres	
		Reference materials		Literary analysis	
		Word relationships		Drawing conclusions	3.15, 4.15, 5.15, 6.15
		Content vocabulary	3.8, 4.8, 5.8, 6.8	Making connections	3.16, 4.16, 5.16, 6.16
		Figurative language			
		Fluency			

Materials

Current news articles/editorials
The Bill of Rights Handout
First Amendment Freedoms Handout
 Civics and Government video
Bill of Rights Quiz
 The Bill of Rights Today Learning Objects

Learner Prior Knowledge

At least a pre-GED reading level – Level 3 students will need to be integrated into groups as part of scaffolding for their success. Basic understanding of how the Constitution came about and that in the main articles there is no list of guarantees for the people of this country.

Instructional Activities

Step 1 - A beginning activity will be to have all students stand. Instructor will work through a series of questions to determine who could vote in the year 1790

- If you are white, remain standing
- If you are male, remain standing
- If you own property, remain standing
- If you are 21 or over, remain standing

Those left standing are the only people who could have voted.

Step 2 - Have small groups of students read and discuss news articles and editorials pertaining to rights protected by the Bill of Rights (gun control, separation of church and state, etc.) Groups report out on their discussions. Guiding questions for groups might include *Who do you think is right in this case and why?*

Inform students how the GED test uses major government documents like the United States Constitution as authentic text for students to read and analyze. This lesson will help them build their knowledge base about The Bill of Rights, the first ten amendments to the Constitution, and help them better understand why they are still important for us today.

Step 3- As a large group, begin the first two columns of a [KWL](#) on The Bill of Rights with students.

TEACHER NOTE Several resources give some general background information on this topic that the teacher might want to share with the group. The first 20 minutes of the [Civics and Government](#) video from GED Connection will be shown. This video gives a quick background on how The Constitution was created with specific information on The Bill of Rights. These videos are also shown on your local PBS stations and a schedule is also included at this site. [The Bill of Rights Wikipedia](#) provides online resources where students can search out information. Remind students of primary sources (Bill of Rights) vs. secondary sources and reader-edited sources (wikis) about credibility.

Step 4 - A bill of rights is needed in a free society to protect the rights of individuals from abuses by the government. Protecting the minority causes great controversy, but each person benefits ultimately. We are all part of some minority, whether it is race, religion, economics, political or social beliefs. We all need our individual rights protected.

Give students time to read over *The Bill of Rights* handout. They may use highlighters to note important or confusing vocabulary or main words. As a class, begin to summarize and paraphrase the meaning of each right. They will need to re-read, question, ask for clarification and brainstorm with others to gain meaning.

Students will individually list the rights guaranteed by the 1st Ten Amendments. Check and discuss to make sure all students understand.

Step 5 - Small groups of three to four write these three headings on their chart paper.

Rights in School/Work Rights at Home Rights in Public

Brainstorm together and list ten activities protected by the Bill of Rights for each column; such as, large groups of friends, prayer at home, etc. Students will write to the side of each item in each list the number of the amendment that corresponds to the right listed. Each group will report out their lists.

TEACHER NOTE At this point, a lot of discussion could begin to take place. If time is limited, you may need to table some of it. A better alternative might be to let the conversation go as long as it's on task. Could have students make notes, write summaries on occasion or complete a [Discussion Web](#). Then the rest of the lesson could be taken up at another session.

Step 6 - As a preface to focus on the interpretation of the law, the instructor will cite some of the most important decisions that affected our society such as, *Miranda v. Arizona* 1966 (Miranda rights), *Roe v. Wade* 1973 (abortion), *Brown v. Board of Education* 1954 (segregation).

The group will read and discuss how the 1st Amendment was interpreted to decide each case using the *First Amendment Freedoms* handouts. Depending on time and interest, you may choose to do these case by case or have four groups each discuss one case and report back to the group their findings or higher level students could do this activity as an additional investigation and report back to the class.

Freedom of Speech Hand out the summary of *Tinker v. Des Moines*.

Freedom of Religion Hand out the summary of *McCullough v. Board of Education*.

Freedom of Press Hand out the summary of *Nebraska Press v. Stuart*.

Freedom of Assembly and Petition Hand out the summary of *Coates v. Cincinnati*.

Freedom of Press Extension Find 3 newspaper articles demonstrating current use of the 1st Amendment. Group students by article. Each group discusses how the amendment applies and why and how it relates to today? Students may write an essay based on their findings.

TEACHER NOTE Additional cases can be found at [Current News](#). This site lists court cases and rulings from the Supreme Court. Small groups of students will read and discuss these cases and come to a consensus about what amendment was involved. They will make predictions and analyze the situation as they read to reflect on the judgment. They should be able to validate their opinions to others using the information in the passage.

Step 7 - Going back to the KWL, each student will complete the last portion of the KWL being as specific as they can about what knowledge they gained from this activity.

Step 8 - Complete a journal response to the question, "Did any of your personal feelings or beliefs change as a result of this study?" Some sort of summary that lists reasons why the Bill of Rights is applicable today might also be a good writing activity.

Step 9 - Levels 5 & 6 students can complete the *Bill of Rights* Quiz if desired.

Assessment/Evidence *(based on outcome)*

Group KWL

Summary statements of the Bill of Rights.

Teacher will circulate in the room during this activity and monitor discussions and make observations

First Amendment Freedoms Handouts for each group

Journal Entry

Bill of Rights Quiz

Teacher Reflection/Lesson Evaluation

Not yet completed.

Next Steps

This lesson is only an overview of the Bill of Rights with a focus on the First Amendment. Subsequent lessons could focus on the other amendments as students might be concerned with such issues as the right to bear arms, search and seizure, etc. To practice for the GED test, students can be given questions on this topic. The Bill of Rights Today Learning Objects will give students additional practice with the amendments to the US Constitution.

Technology Integration

KWL Teaching Strategy http://literacy.kent.edu/eureka/strategies/k_w_l.pdf

Discussion Webs http://literacy.kent.edu/eureka/strategies/discussion_webs.pdf

The Bill of Rights http://en.wikipedia.org/wiki/United_States_Bill_of_Rights

Current News www.usconstitution.net

Purposeful/Transparent

Students are concerned with their rights as citizens, but do not always understand them. This activity allows them to see how and why many of these rights came into existence.

Contextual

This activity introduces the student to the real-life working of our government, especially the court system. They can see everyday in the paper, stories in which The Bill of Rights is the focus.

Building Expertise

Students realize from this activity that the Constitution is a living document and is the basis for all of our laws and rights.

United States Bill of Rights

http://en.wikipedia.org/wiki/United_States_Bill_of_Rights

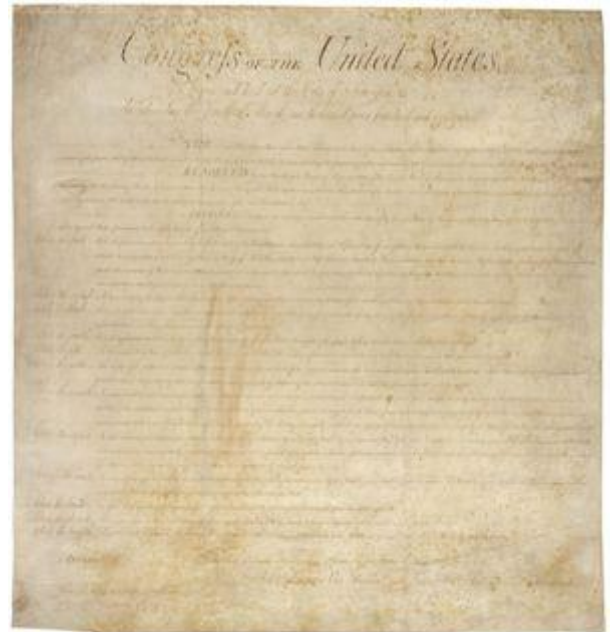
Image of the United States Bill of Rights from the U.S. National Archives and Records Administration.

In the United States, the **Bill of Rights** is the term for the first ten amendments to the United States Constitution. These amendments explicitly limit the Federal governments' powers, protecting the rights of the people by preventing Congress from abridging freedom of speech, freedom of the press, freedom of assembly, freedom of religious worship, and the right to bear arms, preventing unreasonable search and seizure, cruel and unusual punishment, and self-incrimination, and guaranteeing due process of law and a speedy public trial with an impartial jury.

In addition, the Bill of Rights states that "the enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people,"^[1] and reserves all powers not specifically granted to the Federal government to the citizenry or States. These amendments came into effect on December 15, 1791, when ratified by three-fourths of the States.

Initially drafted by James Madison in 1789, the Bill of Rights was written at a time when ideological conflict between Federalists and anti-Federalists, dating from the Philadelphia Convention in 1787, threatened the Constitution's ratification. The Bill was influenced by George Mason's 1776 Virginia Declaration of Rights, the 1689 English Bill of Rights, works of the Age of Enlightenment pertaining to natural rights, and earlier English political documents such as the Magna Carta (1215). The Bill was largely a response to the Constitution's influential opponents, including prominent Founding Fathers, who argued that it failed to protect the basic principles of human liberty.

The Bill of Rights plays a central role in American law and government, and remains a fundamental symbol of the freedoms and culture of the nation. One of the original fourteen copies of the Bill of Rights is on public display at the National Archives in Washington, DC.



United States Constitution

Bill of Rights



Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Amendment II

A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

Amendment III

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Amendment VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Tinker v. Des Moines Independent Community School District 393 U.S. 503, 89 S. Ct. 733 (1969)

FACTS: In December of 1965, some adults and students decided to demonstrate their opposition to U.S. involvement in the Vietnam conflict by wearing black armbands during the holiday season and by fasting on December 16 and on New Year's Eve.

The principals of schools in Des Moines, Iowa heard of the plan and adopted a policy forbidding the wearing of armbands to school. Students who refused to remove such armbands would be suspended from school until they complied with the rule. Sixteen-year-old John and thirteen-year-old Mary Beth Tinker, along with another student, wore the armbands to school with full knowledge of the regulation. They were suspended and did not return to school until after New Year's Day, the end of the planned period for wearing the armbands.

ISSUES: Is the wearing of a black armband as a political protest a form of speech protected by the First Amendment, and do school authorities violate students' constitutional rights by prohibiting such speech?

DECISION: Yes; a regulation prohibiting the wearing of armbands to school upon penalty of suspension is an unconstitutional denial of students' rights to free speech.

REASONING: Wearing an armband as a political protest is a symbolic act and therefore a form of "pure speech." The speech or expression is "pure" because it is not accompanied by disruptive conduct. This was a "silent, passive expression of opinion, unaccompanied by any disorder or disturbance on the part of petitioners."

The regulation amounted to prohibiting a discussion of the Vietnam conflict in the hallway. Even though a few students made hostile remarks outside of class to the students wearing armbands, there were no threats or acts of violence on school premises. Without evidence that a prohibition of expression is necessary to avoid "material and substantial interference with school work or discipline," it is not constitutionally permissible. Two dissenting justices would have upheld the school regulation in support of the need to maintain discipline and good order in the schools.

1. What is the major conflict in Tinker v. Des Moines?
2. What is the legal issue in this case?
3. What Constitutional issue is raised in this case?
4. If you were to rule on this case, what would your decision be? Explain your decision

McCullough v. Maryland 4 WHEAT 316, 4 L. Ed. 579 (1819)

FACTS: A Maryland statute prohibited any bank operating in the State without State authority from issuing bank notes except upon stamped paper issued by the State. The law specifies the fees payable for the paper, and provides for penalties for violators. An Act of Congress established a U. S. Bank. McCullough, the U.S. Bank's cashier for its Baltimore branch, issued bank notes without complying with the Maryland law.

ISSUE: (1) Does Congress have the power to incorporate a bank? (2) Does a State have the power to impose fees on the operation of an institution created by Congress pursuant to its constitutional powers?

DECISION: (1) Yes. It's true that this government is one of enumerated powers. However, the Constitution does not exclude incidental or implied powers. It does not require that everything be granted expressly and minutely described. To have so required would have entirely changed the character of the Constitution and made it into a legal code. The enumerated power given to the government implies the ordinary means of execution. The power of creating a corporation may be implied as incidental to other powers, or used as a means of executing them. The Necessary and Proper Clause gives Congress the power to make "all laws which shall be necessary and proper, for carrying into execution" the powers vested by the Constitution in the U.S. Government. Maryland argues that the word "necessary" limits the right to pass laws for the execution of the granted powers to those which are indispensable. However, in common usage "necessary" frequently means convenient, useful, essential. Considering the word's common usage, its usage in another part of the Constitution (Article 1, Section 10), and its inclusion among the powers given to Congress, rather than among the limitations upon Congress, it cannot be held to restrain Congress. The sound construction of the Constitution must allow Congress the discretion to choose the means to perform the duties imposed upon it. As long as the end is legitimate and within the scope of the Constitution, any means which are appropriate, are plainly adapted to that end, and which are not prohibited by the Constitution, but are consistent with its spirit, are constitutional. A bank is a convenient, useful, and essential instrument for handling national finances. Hence, it is within Congress's power to enact a law incorporating a U. S. bank.

(2) No. The Federal Constitution and the laws made in pursuance thereof are supreme. They control the Constitutions and laws of the States and cannot be controlled by them. Maryland is incorrect in its contention that the powers of the federal government are delegated by the States who alone are truly sovereign. The Constitution derives its authority from the people, not from the States. Here, Maryland's statute in effect taxes the operation of the U.S. Bank, a bank properly created within Congress's power. The power to tax involves the power to destroy. Here it is in opposition to the supreme congressional power to create a bank. Also, when a State taxes an organization created by the U.S. Government, it acts upon an institution created by people over whom it claims no control. The States have no power, by taxation or otherwise, to impede, burden, or in any manner control the operations of constitutional laws enacted by Congress. The Maryland statute is, therefore, unconstitutional and void.

1. What are the important facts in McCullough v. Board of Education?
2. What are the ethical issues?
3. How might your life be different if you did not have freedom of religion?
4. What impact does McCullough v. Board of Education have on your school?

Nebraska Press Assoc. v. Stuart 427 U S 539. 96 Sup. Ct 2791 (1976)

FACTS: Stuart was arrested for the brutal murder of a Nebraska family. Due to the extensive news coverage, his attorney moved to preclude reporting on certain salient aspects of the trial. The district court issued the order, and the Nebraska Press Association sought leave to intervene, contending the restrictions constituted prior restraint and were unconstitutional. The Nebraska Supreme Court upheld the order in a modified form, and the U.S. Supreme Court granted certiorari.

ISSUE: Is prior restraint available only in the absence of other less inhibiting methods of ensuring a fair trial?

DECISION: Yes. Prior restraint on freedom of the press may be used only where less inhibiting measures to protect the right to a fair trial are unavailable. In this case no evidence appears in the record indicating that other measures were considered which may have been less inhibiting on freedom of the press. In the absence of finding on this issue, an order calling for prior restraint cannot stand. Reversed.

Prior Restraint: any prohibition on the publication or communication of information prior to such publication or communication. Under the First Amendment guarantees of the right to free speech and press, prior restraints are subject to strict scrutiny and bear a heavy presumption against constitutional validity.

1. What was the major issue in the Nebraska Press Association v. Stuart case?
2. Why is this section of the First Amendment important to you?
3. What would our news be like without freedom of the press?

Coates v. Cincinnati 402 U.S. 611, 91 S.Ct. 1686, 29 L.Ed. 2d 214

FACTS: Coates was convicted of violating an ordinance of the City of Cincinnati, which made it a criminal offense for "three or more persons to assemble ... on any of the sidewalks ... and there conduct themselves in a manner annoying to persons passing by ..." At the time of his conviction Coates was a student involved in a demonstration and it is his contention that the ordinance on its face violates the First and Fourteenth Amendments to the constitution.

ISSUE: Is an ordinance which makes a crime out of conduct which may be lawful and constitutionally protected void as being vague and overbroad?

DECISION: Yes. An ordinance is unconstitutionally vague where it subjects the exercise of the right of assembly to an unascertainable standard and is unconstitutionally broad where it authorizes the punishment of constitutionally protected conduct. Due process requires that every law be narrowly drafted to avoid any "chilling effect" on the exercise of other rights. The ordinance here fails in this regard since the very purpose of such constitutionally protected speech is to create an effect which adversaries will inevitably find annoying. It is well established, however, that "mere public intolerance or animosity cannot be the basis for abridgment of ... constitutional freedoms"

1. What are the significant facts in this case?
2. What is the primary issue to be determined?
3. How does the First Amendment protect this issue?
4. Do you agree on the decision made? Explain.

Bill of Rights Quiz

Instructions Read the following real-life situations. Then identify the amendment addressed in each situation, explain the amendment, and answer any further questions in each paragraph. Most of these ask for your opinion. Please give a reason for your opinion, but be brief.

1. In June 2002, the Ninth Circuit U.S. Court of Appeals ruled that the phrase “under God” was unconstitutional. Why? (Name the amendment—the number and what it says) What do you think about it?
2. On December 18, 1791, a 12-year old Philadelphia apprentice, Dillon, was arrested for burning down several stables containing hay and other goods. He was told by his minister, his boss and others to confess for the good of his “mortal body and soul” but he insisted he was innocent. He was then taken to the dungeon where he was shown the gloom and horror of what would befall him if he did not confess. He was told he would be confined in this dungeon, dark and cold and hungry. But if he confessed, he would be well accommodated with room, fire, and food and may expect to receive pity and favor from the court. Dillon continued to assert his innocence, but after he was kept in the dungeon for 2 days without heat, food, or water, he confessed. Dillon’s attorney said this confession was unreliable and illegal. Why? What do you think?
3. In 1770, and then again in 1773, the king of England passed a Quartering Act, which required the colonists in America to house and feed soldiers of the Royal Army. After the Bill of Rights was passed, did the people still have to house soldiers if the president says so? Why or why not? (No opinion necessary on this one.)
4. In February of 2000, Senator Reed from Rhode Island introduced some controversial legislation regarding gun control. The Handgun Safety and Registration Act is meant to reduce illegal gun trafficking by providing for more efficient tracing of handguns used in crimes and tougher penalties for those who sell guns to illegal purchasers. The proposed law has come under a lot of criticism from people who feel like the restriction and regulation of the sell and purchase of guns is unconstitutional. Why would it be unconstitutional? What do you think?
5. There are many people in this country who are against the death penalty because they say it is unconstitutional. Why would it be unconstitutional? What do you think?
6. In a 1967 Supreme Court case, *Katz v. United States*, Katz had been convicted of illegal gambling based on evidence gathered using a wiretap placed in a public telephone booth. Conversations between Katz and his gambling associates were overheard and recorded by the FBI. The court ruled in favor of Katz (meaning, he was found not guilty) because “the Government’s activities in electronically listening to and recording the petitioner’s words violated the privacy upon which he justifiably relied while using the telephone booth...” What amendment was the upholding in his decision? What does the amendment say? What do you think?

7. In 1930, eight black youths were sentenced to death in a hastily carried-out trial without benefit of a lawyer. In 1932, in *Powell v. Alabama*, the Supreme Court set aside these convictions. Why would the Supreme Court reverse such a conviction? What do you think?
8. Why would a trial in a civil case require a jury? Give an amendment and explanation.
9. California Law 11362.5, sometimes called the Compassionate Use Act and better known as Proposition 215 is a law in which certain individuals who qualify can be prescribed marijuana for medicinal purposes. The United States Supreme Court recently made a decision which makes it illegal to do this. Federal law states that there is no medical use for marijuana and any use of it is illegal under federal statute. The issue faced was whether the federal government has the right to overturn a state law that the people helped create. Can Congress tell the people they do not have a voice in making the laws for their state, or tell a state legislature that they, too, do not have the right to make laws for their state if those 535 people in Congress do not like the laws they pass? (Name the amendment, what it says, and your opinion.)
10. Why can I, as an individual citizen, get up in the morning, go to work, eat the foods I want, and pretty much live my life without worrying that I'm violating the Supreme Law of the Land--the Constitution—because these liberties aren't specifically listed?

Name_____ Date_____ Teacher_____



<http://www.wisconline.org>

Amendments to the US Constitution

Author: Mona Wenrich

School: Fox Valley Technical College **Date:** 5/5/2003

Description Students explore the history of U.S. Constitutional amendments and the process involved in adding an amendment. In an interactive exercise, learners author their own amendments and explain why these should be added to the Constitution.

http://www.wisc-online.com/objects/index_tj.asp?objID=SOC5602