The Bill of Rights

What rights and freedoms does the Bill of Rights protect and why are they important?
On your Bill of Rights handout, carefully read the Parents’ Constitution. Then answer the questions on another sheet of paper. Be prepared to share your answers.
Let read each out loud, beginning with the Preamble…

We, the Parents of the United States, in order to form more perfect Families, raise obedient Children, ensure domestic Tranquility, provide for our children’s Defense, promote the general Welfare, and secure the Blessings of Liberty to Ourselves and our Children, do ordain and establish this Parents’ Constitution for the United States of America.
I. Parents shall have the power to command complete respect from their children.
I. Parents shall have the power to command complete respect from their children.

II. Parents shall have the power to assign chores to their children and to punish children when the chores are not done properly.
I. Parents shall have the power to command complete respect from their children.

II. Parents shall have the power to assign chores to their children and to punish children when the chores are not done properly.

III. Parents shall have the power to ask their children questions and to expect honest answers.
I. Parents shall have the power to command complete respect from their children.

II. Parents shall have the power to assign chores to their children and to punish children when the chores are not done properly.

III. Parents shall have the power to ask their children questions and to expect honest answers.

IV. Parents shall have the power to make all decisions about family spending, including the power to restrict children’s spending on unproductive or harmful items.
I. Parents shall have the power to command complete respect from their children.

II. Parents shall have the power to assign chores to their children and to punish children when the chores are not done properly.

III. Parents shall have the power to ask their children questions and to expect honest answers.

IV. Parents shall have the power to make all decisions about family spending, including the power to restrict children’s spending on unproductive or harmful items.

V. Parents shall have the power to decide how much time their children’s friends can spend with their children.
1. Do you believe parents should have all of the powers described in the Parents’ Constitution? Why or why not?

2. List four rights that you would add as amendments to the Parents’ Constitution to make it fairer for children and protect them from the power of parents.

3. What parallels can you draw between how you felt about the Parents’ Constitution and concerns some people might have felt about the United States’ Constitution when it was first ratified in 1789?
You probably found things you wanted to change in the Parent’s Constitution, and identified additional rights you think children should have.

Similarly, many Americans in the late 1700s identified important rights and freedoms for individuals that were not protected in the U.S. Constitution.

These Americans were determined to make changes, or amendments, to the Constitution to make sure these rights and freedoms were protected. This list of ten amendments is known as the **Bill of Rights**.
Take a look at the key content terms and circle the ones you’d like more information about.
On page 183 of *History Alive!*, read the introduction.

1. What is the essential question for this chapter?

2. In Massachusetts, why did opponents object to the Constitution?

3. How were supporters of the Constitution able to get it ratified in Massachusetts?

4. What rights or freedoms do you think are included in the Bill of Rights?
SECTION 10.2

With your table partner, read section 10.2 on page 184 and then fill out Section 2 on your handout.

1. What does the Bill of Rights contain?

2. Who took the lead in making sure the Bill of Rights was eventually included in the Constitution?
With your table partner, read section 10.2 on page 184 and then fill out Section 2 on your handout.

1. What does the Bill of Rights contain?

The Bill of Rights contains the first ten amendments to the U.S. Constitution.
1. What does the Bill of Rights contain?

The Bill of Rights contains the first ten amendments to the U.S. Constitution.

2. Who took the lead in making sure the Bill of Rights was eventually included in the Constitution?

James Madison.
ACTIVITY

(This activity can be modified for station work).

In this activity, you will play a game called Do They Have the Right?

You will work in teams of four and read about Supreme Court cases related to rights and freedoms protected by the Bill of Rights.

For each case, you must determine whether the person or people have that right. You must come up with a justification for your answer using information from the text and your handout.

Then you will discuss and debate your answers with the other groups before learning the outcome of each case.

Form groups of 4 and make sure you’re facing one another…
ACTIVITY—SECTION 10.3

To prepare for round 1, read Section 10.3 and work together to complete Section 3 of your handout.
1. The five basic freedoms protected by the First Amendment are freedom of religion, speech, the press, and assembly, and the right to petition the government. Explanations of why a selected freedom is important to students will vary.

2. Drawings should indicate that Jefferson supported a separation between religion (church) and government (state).

3. Did you agree with Jefferson or with his opponents?

4. Which role was the article an example of?

5. Possible example of symbolic speech: burning an American flag.
ACTIVITY (black armbands)

Play round 1 of Do They Have the Right?, and go through all of the steps:

Step 1: Read about the case and discuss the issue in your group.

Case: The United States is involved in a controversial war. To show their opposition to the war, two students wear black armbands to their public school, even though the school has a policy against wearing them. School officials say the policy against armbands is to avoid arguments or fights between students who support the war and those who oppose the war.

Issue: Do the students have the right to wear black armbands to school? Why or why not?

Step 2: Take a stand on the issue. If your group thinks the students have this right, stand up, raise your fists and shout in unison, “They have the right!” If your group thinks the students don’t have this right, stand up, wag your index fingers at the other students and shout in unison, “No, they don’t!”
Step 3: Debate the issue as a class. Select a presenter for your group. If your presenter is called on by the teacher or a presenter from another group, stand up and share your group’s answer and justification. Before sitting down, call on the next presenter by name.

Step 4: Take a class vote on the issue.

Step 5: Find out what the Supreme Court decided. In the 1969 case of Tinker v. Des Moines School District, the Court voted 7-2 in favor of the students, upholding their First Amendment rights. The Court held that the prohibition of armbands was a violation of First Amendment rights because students do not “shed their constitutional rights to freedom of speech . . . at the schoolhouse gate.”
ACTIVITY (Pledge of Allegiance)

Step 1: Read about the case and discuss the issue in your group.

Case: Students at a certain public school start each day by reciting the Pledge of Allegiance. One student refuses to recite the pledge because her religious beliefs do not allow it. Because of her refusal, she is expelled for not following school rules.

Issue: Do students have the right to refuse to recite the Pledge of Allegiance? Why or why not?

Step 2: Take a stand on the issue. If your group thinks students have this right, stand up, raise your fists and shout in unison, “They have the right!”

If your group thinks the students don’t have this right, stand up, wag your index fingers at the other students and shout in unison, “No, they don’t!”
ACTIVITY (Pledge of Allegiance)

**Step 3:** Debate the issue as a class. Select a presenter for your group. If your presenter is called on by the teacher or a presenter from another group, stand up and share your group’s answer and justification. Before sitting down, the presenter calls on the next person by name.

**Step 4:** Take a class vote on the issue.

**Step 5:** Find out what the Supreme Court decided. In the 1943 case of West Virginia State Board of Education v. Barnette, the Court voted 6-3 in favor of the student. The Court held that forcing public schoolchildren to salute the flag was unconstitutional. Such a salute was the same as “compulsory unification of opinion,” or forced agreement of opinion, which violates the First Amendment.
ACTIVITY (round 1 recap)

After finishing Round 1 of *Do They Have the Right?*, discuss these questions as a class:

1. What rights or freedoms does the First Amendment protect?

2. Why are these rights and freedoms important to you?
ACTIVITY—SECTION 10.4

To prepare for round 2 of *Do They Have the Right?*, Read Section 10.4 (p. 188—189), Citizen Protections, and complete Section 4 on your handout.
ACTIVITY—SECTION 10.4 REVIEW

1. The Second Amendment protects the right of citizens to bear arms. The Third Amendment prohibits the government from housing troops in citizen’s homes.
ACTIVITY—SECTION 10.4 REVIEW

2. 3rd Amendment—is it relevant today? Why or why not?
3. Police show a judge that they have a good reason for the search. If the judge agrees, he or she issues a warrant saying who or what can be searched. Police present the warrant and conduct the search.
PLAY ROUND 2 OF *DO THEY HAVE THE RIGHT?*, AND GO THROUGH ALL OF THE STEPS:

**Step 1:** Read about the case and discuss the issue in your group.

**Case:** A high school student is caught smoking cigarettes in a public school’s bathroom. The vice principal searches her purse and finds cigarettes and rolling papers, which are associated with marijuana use. The principal then searches the purse more thoroughly, finding marijuana and evidence that the student was dealing marijuana. School authorities call the police, and the state brings charges against the student.

**Issue:** Do public school students have the right to be protected against having their belongings searched by a principal? Why or why not?

**Step 2:** Take a stand on the issue.

If your group thinks the students have this right, stand up, raise your fists and shout in unison, “They have the right!” If your group thinks the students don’t have this right, stand up, wag your index fingers at the other students and shout in unison, “No, they don’t!”

**ACTIVITY (search and seizure)**
ACTIVITY (search and seizure)

Step 3: Debate the issue as a class. Select a presenter for your group. If your presenter is called on by the teacher or a presenter from another group, stand up and share your group’s answer and justification. Before sitting down, call on the next presenter by name.

Step 4: Take a class vote on the issue.

Step 5: Find out what the Supreme Court decided. In the 1985 case of New Jersey v. T.L.O., the Court voted 6–3 against the student. The Court held that the search without a warrant did not violate the Fourth Amendment, given the circumstances. That the student was caught smoking created a “reasonable suspicion” to conduct a search for cigarettes.
ACTIVITY (drug tests & sports)

**Step 1:** Read about the case and discuss the issue in your group. Case: A public school district requires all middle and high school students to submit to drug testing before they are allowed to participate in extracurricular activities, including sports teams, that are sponsored by the school district. When two students refuse to take the drug test, they are barred from participating in after-school activities.

**Issue:** Do students have the right to refuse to take the drug test and still participate in after-school activities? Why or why not?

Step 2: Take a stand on the issue. If your group thinks the students have this right, stand up, raise your fists and shout in unison, “They have the right!” If your group thinks the students don’t have this right, stand up, wag your index fingers at the other students and shout in unison, “No, they don’t!”
ACTIVITY (drug tests & sports)

Step 3: Debate the issue as a class. Select a presenter for your group. If your presenter is called on by the teacher or a presenter from another group, stand up and share your group’s answer and justification. Before sitting down, call on the next presenter by name.

Step 4: Take a class vote on the issue.

Step 5: Find out what the Supreme Court decided. In the 2002 case of Board of Education v. Earls, the Court voted 5–4 against the students. The Court held that drug testing was “a reasonable means of . . . preventing and deterring drug use among [students].” The Court also held that the manner in which the district conducting the drug testing was not a significant violation of students’ limited privacy rights under the Fourth Amendment.
ACTIVITY (round 2 recap)

After finishing Round 2 of *Do They Have the Right?*, discuss these questions as a class:

1. What rights or freedoms do the Second, Third, and Fourth Amendments protect?

2. Why are these rights and freedoms important to you?
ACTIVITY—SECTION 10.5

To prepare for round 3 of *Do They Have the Right?*, Read Section 10.4 (p. 189—192), Legal Rights and Protections, and complete Section 5 on your handout.
ACTIVITY—SECTION 10.5 REVIEW

1. The Fifth Amendment guarantees the right to a grand jury, protects citizens from double jeopardy, prohibits self-incrimination, guarantees due process of law, and prohibits the government from taking private property without fair compensation. Explanations of why students think one of these rights is important will vary.
ACTIVITY—SECTION 10.5 REVIEW

2. Possible answers: The right to a speedy and public trial, the right to be judged by an impartial jury, the right to hear charges, the right to hear and question witnesses at a trial, and the right to an attorney.
3. What did your political cartoons show?
ACTIVITY (right to a lawyer)

Play round 3 of Do They Have the Right?, and go through all of the steps:

Step 1: Read about the case and discuss the issue in your group.

Case: A citizen is accused of committing a robbery. He cannot afford to hire a lawyer and requests that the government provide him with one, at no cost to him. The government says it is not required to provide a defendant with a lawyer except in capital (murder) cases. The government denies the request.

Issue: Do defendants have the right to request a lawyer to help with their defense? Why or why not?

Step 2: Take a stand on the issue.
If your group thinks the students have this right, stand up, raise your fists and shout in unison, “They have the right!” If your group thinks the students don’t have this right, stand up, wag your index fingers at the other students and shout in unison, “No, they don’t!”
ACTIVITY (right to a lawyer)

Step 3: Debate the issue as a class. Select a presenter for your group. If your presenter is called on by the teacher or a presenter from another group, stand up and share your group’s answer and justification. Before sitting down, call on the next presenter by name.

Step 4: Take a class vote on the issue.

Step 5: Find out what the Supreme Court decided. In the 1963 case of Gideon v. Wainwright, the Court held unanimously that the Sixth Amendment guarantees a person accused of any crime the right to be represented by a court-appointed lawyer. In his opinion, Justice Black wrote that a fair trial for a poor defendant could not be guaranteed without a lawyer, adding that “lawyers in criminal courts are necessities, not luxuries.”
ACTIVITY (rights during questioning)

Play round 3 of Do They Have the Right?, and go through all of the steps:

**Step 1:** Read about the case and discuss the issue in your group.

**Case:** A citizen is arrested by the police and accused of murder. When the suspect is brought to the police station, the police tell him he must answer questions about the alleged murder before he is allowed to contact anyone, including a lawyer.

**Issue:** Do citizens have the right to refuse to answer questions about a crime until they contact a lawyer and until the lawyer is present? Why or why not?

**Step 2:** Take a stand on the issue.
If your group thinks the students have this right, stand up, raise your fists and shout in unison, “They have the right!” If your group thinks the students don’t have this right, stand up, wag your index fingers at the other students and shout in unison, “No, they don’t!”
ACTIVITY (rights during questioning)

Step 3: Debate the issue as a class. Select a presenter for your group. If your presenter is called on by the teacher or a presenter from another group, stand up and share your group’s answer and justification. Before sitting down, call on the next presenter by name.

Step 4: Take a class vote on the issue.

Step 5: Find out what the Supreme Court decided. In the 1966 case of Miranda v. Arizona, the Court held in a 5–4 decision that police must make suspects aware of their rights at the time of arrest. These rights include the right to remain silent (under the Fifth Amendment), the right to speak to an attorney (under the Sixth Amendment), and the right to have an attorney present during police questioning (under the Sixth Amendment).
ACTIVITY—(round 3 recap)

1. What rights or freedoms do the Fifth, Sixth, Seventh, and Eighth Amendments protect?

2. Why are these rights and freedoms important to you?
SECTION 10.6

Read Section 10.6, Other Rights and Powers, on page 192—193.

Complete Section 6 of your handout.
SECTION 10.6 REVIEW

1. According to the 9th Amendment, rights not specially listed in the Constitution belong to the people or the states.

2. Possible answer: One example of a reserved power that affects daily life is the power states have to set speed limits. Another may be the right to privacy. For example, the government (technically) does not have the right to monitor its citizens (note, however, that this is a complicated issue today, as the U.S. government currently engages in surveillance programs domestically on U.S. citizens, many times without a warrant required. If the intercepted information is “reasonably believed to contain evidence of a crime” then the government is allowed to turn it over to federal law enforcement. Does this violate the 9th Amendment? You decide.).