THE VALUE OF RIGHTS

A free people [claim] their rights as derived from the laws of nature, and not as the gift of their chief magistrate. –Thomas Jefferson, 1774

Essential Question: How does the Bill of Rights protect freedom?

1. Divide a blank sheet of paper in half lengthwise.
2. On the left side, title the column “RIGHTS”; on the right side, title the column “AMENDMENT.”
3. Read over the Bill of Rights on pp. 609—611.
4. In groups of 3-4, debate which rights are the most important.
5. On your paper, create a list of those rights in order of importance.
6. Be sure to also name the amendment on the right side.
THE VALUE OF RIGHTS

**Essential Question:** How does the Bill of Rights protect freedom?

Discuss with your group and answer the following questions on your paper:

1. Look at your top five. Why did you select those?
2. If you only had those top five, how would life change without the others?
3. Why is it important that we have all of these rights?

Share out with the class.
LIFE WITHOUT RIGHTS FOR THE ACCUSED

Essential Question: How does the Bill of Rights protect freedom?

1. Read the handout, “Life without Rights for the Accused” aloud.
2. As you read, underline the sections where Johnny’s rights are violated.
3. Share findings in your group.
SCENARIO CARDS ACTIVITY

1. Elect a recorder in your group.
2. Your group will receive one scenario card.
3. Determine which right (if any) is being violated. Record this info.
4. Determine which amendment (if any) offers protection. Record this info.
5. At the sound of the 2 min. bell, pass your cards to another group.
6. Elect a different recorder. Each group will respond to each scenario card.
SCENARIO CARDS ACTIVITY

Let’s check our answers…
SCENARIO 1

Jeanie, an eighteen-year-old college student, is arrested for stealing a classmate’s designer sweater and selling it on eBay. When Jeanie appears before the judge, she asks for a lawyer to help defend her. The judge tells Jeanie that if she is smart enough to be in college, she knows enough to defend herself. Besides, she is not charged with a felony, so the stakes are not very high.

Violation of the Sixth Amendment right “to have the assistance of counsel,” according to the ruling in Gideon v. Wainwright (1963).
SCENARIO 2

Abigail bought a house and spent years restoring it. She loves her home. One day, she gets a notice that the local government is going to take her property in order to turn her land over to a private company. The local government says it can take Abigail’s home because the new jobs and tax revenue created by the company will benefit the public greatly.

*May depend on state law. The Supreme Court held in Kelo v. New London (2005) that the “public use” required by the Fifth Amendment when government takes property is satisfied if property taken for private redevelopment is for “public benefit.” In reaction to this ruling, several states have passed laws forbidding the use of eminent domain for redevelopment.*
SCENARIO 3

Carolyn is arrested for shoplifting a candy bar from a grocery store. At trial, she is found guilty. The judge decides that the right punishment is to cut to order Carolyn to tie her hands behind her back every time she enters a grocery store so that she will not be able to shoplift again. This is okay, the Judge says, because a grocery store employee can help her shop.

Violation of Eighth Amendment protection from “cruel and unusual punishment.”
SCENARIO 4

Congress wants to find ways to cut costs because of the soaring budget deficit. Your congressman decides to introduce a law requiring all citizens living in Carmel Valley, CA to provide a room in their house for U.S. soldiers to live. This, according to the congressman, will save tons of money on defense spending.

Violation of Third Amendment, which reads “No soldier shall, in time of peace be quartered in any house, without the consent of the owner.”
SCENARIO 5

Cole’s science teacher asks the class to exchange papers to correct last night’s homework. Cole refuses to let anyone except the teacher see his homework paper, so is sent to the principal.

*No violation, according to the ruling in Owasso Independent School District v. Falvo (2001).*
SCENARIO 6

Concerned about rising crime, lawmakers in San Diego ban all handguns in the city, and require that shotguns be kept unloaded and/or disassembled.

Violation of Second Amendment “right of the people to keep and bear arms,” according to the ruling in District of Columbia v. Heller (2008).
SCENARIO 7

John, a fourteen-year-old public school student, wears a t-shirt to school of a burning American flag to protest his government’s foreign policy. His principal tells him that he must change his shirt or be suspended from school. John refuses, and is suspended for two days.

May be a violation of First Amendment “freedom of speech.” In upholding students’ right to wear plain black armbands in silent protest of the Vietnam War, the Supreme Court held in *Tinker v. Des Moines* (1969) that school officials may restrict student expression that would “materially and substantially” disrupt school discipline.
SCENARIO 8

The U.S. government is targeting a specific religious group from entering or traveling in the country, citing national security reasons.

Appears to be a violation of the First Amendment’s Establishment Clause (and the 14th Amendment as well). However, this is not to be taken for granted: early in World War II, on February 19, 1942, President Franklin Roosevelt issued Executive Order 9066, granting the U.S. military the power to ban tens of thousands of American citizens of Japanese ancestry from areas deemed critical to domestic security. In defiance of the order, Fred Korematsu, an American-born citizen of Japanese descent, refused to leave his home in San Leandro, California. Duly convicted, he appealed, and in 1944 his case reached the Supreme Court. A 6-3 majority on the Court upheld Korematsu’s conviction.

Did the Court decide the constitutional question correctly?
SCENARIO 9

A man suspected of a violent crime is brought in to the police station. The alleged victim picks him out of a lineup as the man who attacked her. Police inform him that he has the right to refuse to answer questions, but they do not offer to let him speak to a lawyer. After being questioned for two hours, the man admits the crime.

Violation of Fifth Amendment freedom from being “compelled in any criminal case to be a witness against [one]self ” and Sixth Amendment right to “the assistance of counsel,” according to the ruling in Miranda v. Arizona (1966).
SCENARIO 10

Elizabeth is fourteen-years-old. Her parents are very religious, but she is not. Once a week, Elizabeth’s parents make her come with them to their place of worship. Elizabeth always says she does not want to go, but her parents make her come with them anyway.

*No violation. The Bill of Rights protects individuals from the actions of government. It does not limit the actions of parents.*
SCENARIO 11

Members of Congress are unhappy with students’ standardized test scores. They pass a federal law that abolishes local school boards and requires a national, standardized curriculum.

Violation of Tenth Amendment reservation of powers to the states and the people. When the Constitution does not give a power to the federal government, nor deny it to the states, the power is reserved to the states and the people.
You are an eighteen-year old in high school. You and a friend are walking down the street when a police car quickly approaches and two officers jump out toward you. They say that you and your friend fit the description of a pair they’re looking for in conjunction with a convenient store robbery just 30 minutes earlier. Their questioning is quickly becoming intimidating. What do you do?

Read through Your Rights and Responsibilities
FINAL SCENARIO

(This is not intended as legal advice):

1. Remain calm – don’t run, argue, or resist.

2. Always be respectful and polite – ask for clarification if you don’t understand something they say.

3. You may ask if you are under arrest. If not, you can ask if you may leave. You are entitled to leave if you are not under arrest or being detained.

4. You do not have to consent to a search of yourself or belongings, but the police may “pat down” your clothing if they suspect a weapon.

5. You do not have to answer questions about where you were born, whether you are a U.S. citizen, or how you entered the country.
ACTIVITY

Task: in your group, create a skit that incorporates a violation or NOT a violation of one or more protections under the Bill of Rights.

Guidelines:
1. 1-2 min. in length
2. All group members must participate
3. Keep it school appropriate
4. Do not tell your audience which violation did or did not occur—let them guess the right and the amendment if applicable, or that no violation occurred

Take a few minutes to prep and practice.