



SS.7.C.2.4



***At the end of this lesson, I will be able to do the following:

- _____ recognize that the Bill of Rights comprises the first ten amendments to the U.S. Constitution.
- _____ recognize the five freedoms protected by the First Amendment.
- _____ evaluate how the Bill of Rights influences individual actions and social interactions.
- _____ use scenarios to identify rights protected by the Bill of Rights.
- _____ use scenarios to recognize violations of the Bill of Rights or other constitutional amendments.

*** Terms I need to know at the end of this lesson....

- | | |
|--------------------------------------|---|
| _____ Bill of Rights Amendments 1-10 | _____ 1 st Amendment (Five Freedoms) |
| _____ Cruel and Unusual Punishment | _____ Double Jeopardy |
| _____ Due Process | _____ Eminent Domain |
| _____ Equal Protection under the Law | _____ Pleading the Fifth |
| _____ Right to Bear Arms | _____ Right to Legal Counsel |
| _____ Search and Seizure | _____ Suffrage |
| _____ Trial by Jury | _____ Unenumerated Powers (9 th Amendment) |

Decipher the Bill of Rights:

Amendment #1: Freedom of _____, Freedom of _____, Freedom of _____, Right to _____ peacefully, right to _____ the government

Amendment #2: Right to bear _____.

Amendment #3: Prevents government from forcing citizens to shelter (quarter) _____.

Amendment #4: Prevents unnecessary or unreasonable searches and _____ of a person's _____.

Amendment #5: No _____ jeopardy, _____ process (system of legal procedures) You do not have to _____ against yourself in court (pleading the 5th) And you must have just compensation when your _____ is taken for public use. (Eminent domain)

Amendment #6: In criminal cases, right to a speedy _____. Right to trial by _____. Right to an _____.

Amendment #7: In civil cases, right to trial by _____.

Amendment #8: Freedom from excessive _____ or fines and freedom from _____ or _____ punishment.

Amendment #9: Individuals have _____ in addition to the rights listed in the other amendments and Constitution. The right to privacy is among those identified by the U.S. Supreme Court as being a 9th Amendment right.

Amendment #10: The federal government has only those powers specifically granted by the Constitution, any power not listed is reserved for the _____ or the _____.

Define:

Due Process:

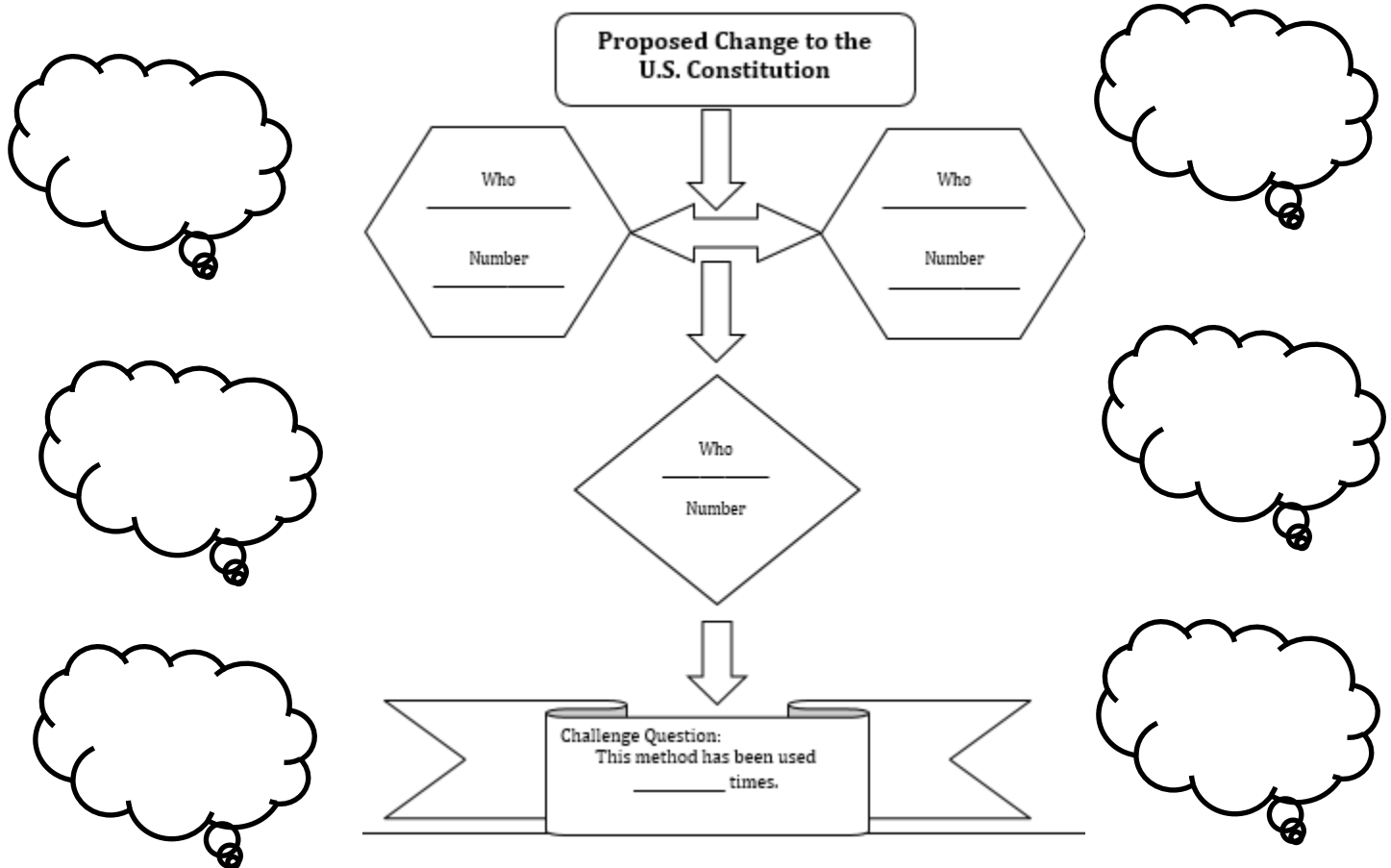
Double Jeopardy:

Eminent Domain:

Unenumerated rights:

Suffrage:

Amendment Process Refresher and notes:



SS.7.C.2.4 Missing Rights! Yikes!

A World Without? Imagine what life would be like if our rights weren't protected. In complete sentences, describe what might happen if each of these amendments were missing from the Constitution.

Without this...	...this might happen!
6th	
4th	
8th	
1st	

The Bill of Rights

Amendment 1

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**.

RAPPS

Amendment 2

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 3

No soldier shall, in time of peace be **quartered** in any house, without the consent of the owner

Amendment 4

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 5

No person shall . . . 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 6

In all criminal **prosecutions**, the accused shall enjoy the right to a speedy and public trial, by an **impartial** jury . . . 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 7

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 8

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

Amendment 9

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

Amendment 10

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.

Other Important Amendments

Amendment 13

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Amendment 14

All persons born or **naturalized** in the United States . . . are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the **privileges** or **immunities** of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Amendment 15

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

Amendment 19

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.

Amendment 26

The right of citizens of the United States, who are 18 years of age or older, to vote, shall not be denied or abridged by the United States or any state on account of age.

REAL LIFE.....SS.7.C.2.4 Bill of Rights Scenarios

Scenario 1

In a political demonstration during the Republican National Convention in Texas in 1989, protesting the policies of President Ronald Reagan and of certain businesses based in Dallas, Texas, Gregory Lee Johnson soaked an American flag with gasoline and set it on fire. No one was hurt, but some witnesses said they were seriously offended, and Johnson was arrested and charged with breaking the law.

Did this violate a right? _____ **Which one?** _____

Scenario 2

In 1961, a California law made it a crime for a person to be addicted to drugs and required a minimum sentence of 90 days in jail if a person is charged with the crime. Lawrence Robinson was convicted under the law and sentenced to at least 90 days in jail. Robinson claimed that the 90 day jail sentence was cruel and unusual punishment.

Did this violate a right? _____ **Which one?** _____

Scenario 3

William Malloy was arrested for gambling in 1959 by the Hartford, Connecticut police. After pleading guilty, he was sentenced to one year in jail and fined \$500, but the sentence was suspended after 90 days and Malloy was placed on two years-probation. Sixteen months later, a Connecticut Superior Court ordered Malloy to testify about gambling and other criminal activities in Hartford County. When Malloy refused, on the grounds that it might incriminate him on other charges, he was put in jail and held until willing to answer questions.

Did this violate a right? _____ **Which one?** _____

Scenario 4

A man named Parker was arrested and put on trial for second degree murder in Oregon in 1966. During the trial, the bailiff who was assigned to watch over the jury, made statements about Parker to some of the jurors. Some jurors overheard him say: "Oh, that wicked fellow, he is guilty," and to another juror, "If there is anything wrong [in finding him guilty] the Supreme Court will correct it." Parker was found guilty of murder by ten votes of a 12 person jury. Parker argued that the bailiff's comments prevented him from a fair trial.

Did this violate a right? _____ **Which one?** _____

Scenario 5

In 2007, the District of Columbia (Washington, D.C.) passed legislation banning the registration of handguns, requiring licenses for all pistols, and requiring that all legal firearms be kept unloaded and disassembled or trigger locked. A security guard named Mr. Richard Heller sued the District of Columbia claiming that this law violated his rights.

Did this violate a right? _____ **Which one?** _____

Potential Scenarios.....SS.7.C.2.4 Applying the Bill of Rights

Directions: For each scenario, write a complete sentence explaining which right has been violated in the scenario, then name the constitutional amendment that protects the right.

1. Juanita lives near a factory that puts foul-smelling smoke in the air. Juanita and her neighbors call a meeting at Juanita’s house to discuss what they can do about the smoke. However, the police block the entrance to the home and tell people that they do not have the right to hold a meeting.

Right violated:

Amendment that protects the right:

2. The government lacked money to support the nation’s military forces. To save money, General Pulp ordered that troops be placed in the homes of people living close to military bases. Midge lived next to an army base, and two soldiers moved into her house, even though she did not want them there.

Right violated:

Amendment that protects the right:

3. Brendan is accused of armed robbery and given a trial. The jury finds Brendan not guilty. The next day the prosecutor decides that the verdict was not correct, and he orders Brendan arrested and tried for the crime again.

Right violated:

Amendment that protects the right:

4. Mike is in his house watching television when two police officers knock at the door. They accuse Mike of having stolen property, enter the house, and take several things that they say do not belong to Mike. When he asks if the police officers have permission to take his things, they just laugh and leave with the property.

Right violated:

Amendment that protects the right:

SS.7.C.2.5 The United States Constitution: Limiting and Safeguarding Individual Rights

*****At the end of this lesson, I will be able to do the following:*

- _____ recognize that rights are protected, but are not unlimited.
- _____ examine rationales for limiting individual rights.
- _____ use scenarios to examine the impact of limits on individual rights on social behavior.
- _____ examine the role of the judicial branch of government in protecting individual rights.

**** *Terms I need to know at the end of this lesson....*

- _____ Limited Individual Rights _____ Executive Branch _____ Judicial Branch
- _____ Legislative Branch _____ Appellate Process _____ Ex post facto
- _____ Habeas Corpus _____ Independent Judiciary _____ Precedent
- _____ Privacy _____ Summary Judgment

Writ of habeas corpus - you have the right to be told why you're being arrested
 - An officer must prove to a court that you should be held for a crime (give a good reason)

(ex post facto= after the fact)
 New laws cannot apply to people operating before the new law was passed

Limiting the Power of the Federal Government

The Framers of the U.S. Constitution wanted to create a federal government that was effective and powerful, but one that did not step on the rights of the individual or the powers of the states. By ensuring that the rights of individuals and the powers of states would be protected, this created a system where the powers of the federal government also became limited.

In Article 1, Section 9 of the U.S. Constitution (textbook page 150), there are three key individual rights that are protected, or safeguarded:

The first is contained in this statement: *"The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it."*

Habeas corpus is an important individual right. This statement in Article I, Section 9 means that an authority has to prove to a court why it is holding someone. If the government cannot show why a person is being held in jail, that person must be released.

The second and third are in this statement: *"No Bill of Attainder or ex post facto Law shall be passed."*

A bill of attainder is a bill written to punish only one person or one group of people. An **ex post facto** law is one that makes an act a crime after it has been committed.

?

1. **Highlight or underline the** text that helps you define the terms Habeas Corpus and Ex Post Facto. 2. **Why do you think the Framers determined that these were important rights to include in the U.S. Constitution?**

2. Notes on Habeas Corpus Video:

<http://www.annenbergclassroom.org/page/habeas-corpus-the-guantanamo-cases>

Limiting Speech:

In the Supreme Court case *Schenck v. U.S.* in 1919, the court created the “balancing test.” The balancing test focuses on individual rights and the public interest and allows rights to be restricted, or limited, when the public interest is threatened. The public interest is something that has common benefit to the community or public. Justice Oliver Wendell Holmes stated in his opinion that *“the most stringent [strict] protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic. [...]”*

? 3. What do you think was Justice Holmes’ rationale (reason) for stating that shouting “fire!” in a theatre would not be covered by the First Amendment?

The U.S. Supreme Court has ruled that the government sometimes may be allowed to limit individual rights, specifically freedom of speech and freedom of the press. In general, there must be a balance of individual rights, the rights of others, and the common good.

Listed below are additional criteria used to limit freedom of speech and freedom of the press.

- ✓ **Clear and Present Danger** – Will this act of speech create a dangerous situation?
- ✓ **Fighting Words** – Will this act of speech create a violent situation?
- ✓ **Libel** – Is this information false or does it put true information in a context that makes it look misleading?
- ✓ **Obscene Material** – Is this material inappropriate for adults and children to see in public?
- ✓ **Conflict with Government Interests** – During times of war the government may limit speech due to national security.

? 4. Choose ONE of the above criteria. What is the rationale (reason) for limiting rights in the situation?

SS.7.C.2.5

DEFINE:

Habeas Corpus:

Ex Post Facto Law:

Precedent:

Summary Judgement:

Image:

Create an image (picture, visual) to explain the following....

When can your rights be limited?

OR

When can your rights be safeguarded?



SS.7.C.2.5 Hazelwood School District v. Kuhlmeier | 1987

The journalism class at Hazelwood East High School wrote articles and put them together for the school paper. They gave the newspaper to their teacher, Howard Emerson. Mr. Emerson showed the newspaper to the principal. He asked the principal if it was okay to make copies and hand them out to students at the school.

Principal Reynolds did not like what he read. There were articles in the newspaper that he thought were inappropriate and not suitable for a school newspaper.

Principal Reynolds thought the paper needed to be changed. But it was almost the end of the school year. He was afraid that it would take the class a long time to change it. If it took too long, the school year would be over and the other students would not get the paper. So he told Mr. Emerson to remove the pages that had those articles. He said to make copies of the rest of the paper.

The students were very angry. They had spent a lot of time writing the articles. They could have fixed them if Principal Reynolds had given them a chance. Instead, he deleted two pages that also contained other articles. They felt that this was a violation of their First Amendment rights. They went to the **U.S. District Court**. The court did not agree with them. It said that school officials may limit students' speech in the school newspaper if their decision has "a substantial and reasonable basis." In other words, if he has a good reason, it is okay for a principal to limit students' speech.

The students appealed the decision. The **US Court of Appeals** reversed the decision of the U.S. District Court. This court said that the school paper was a "public forum," or place where students could express their views. The judges said that the school could not censor the paper except "to avoid . . . substantial interference with school work or discipline . . . or the rights of others." They did not think that the articles would have interfered with schoolwork. They thought the articles should have been printed.

The school appealed the decision of the Court of Appeals. The **US Supreme Court** thought that this was an important case. It dealt with the rights of students. It agreed to hear arguments from both sides.

DECISION:

U.S. Supreme Court determined that the First Amendment does not protect all types of student speech in school.

LIMITED or SAFEGUARDED?

1st Amendment –Public Schools can limit speech if conflicts with its mission.

SS.7.C.2.5 Tinker v. Des Moines Independent Community School District | 1968

John and Mary Beth Tinker attended public school in Des Moines, Iowa in 1965. Their school did not allow students to wear armbands to protest the Vietnam War. However, the Tinkers decided to wear armbands to school anyway. The school officials asked the Tinkers to remove their armbands, but the Tinkers refused. John and Mary Beth Tinker were suspended from school until they agreed to remove the armbands.



The Tinkers sued the school district in the **U.S. District Court**. The Tinkers believed that the Des Moines school district violated their right to free speech under the First Amendment to the U.S. Constitution. Even though the students were not speaking with their voices, they believed that wearing armbands was like speaking. This is called symbolic speech.

The U.S. District Court sided with the school officials. The Court said that wearing the armbands could disrupt learning at the school. Learning without disruption was more important than the free speech of the students.

The Tinkers appealed their case to the next level of courts, **U.S. Court of Appeals** for the Eighth Circuit: But the Circuit Court agreed with the District Court. The Tinkers then appealed their case to the Supreme Court of the United States. The Court had to answer this basic question: Does the constitutional right of free speech protect the symbolic speech of public school students?

In 1968, the **US Supreme Court** agreed to hear the case of Tinker v. Des Moines. They issued their decision in 1969.

DECISION:

Students do not shed their First Amendment rights in school as long as it is not disruptive.

LIMITED or SAFEGUARDED?

1st amendment right of Freedom of Speech (symbolic speech) protected

**SS.7.C.2.5 Independent Judiciary Video Discussion Questions**

Video: <http://www.annenberghclassroom.org/page/an-independent-judiciary>

Background: The Role of the Judicial Branch

The judicial branch plays an important role in how the U.S. Constitution is interpreted and the ways in which individual rights are safeguarded (protected) and limited. The framers of the U.S. Constitution designed an **independent judiciary** where the judicial branch would have freedom from the executive and legislative branches. The U.S. Constitution guaranteed that judges would serve “during good behavior” and would be protected from any decrease in their salaries. Both of these features prevent the other two branches from removing judges or decreasing their salaries if they don’t like a judge’s opinion or decision in a case. This gave the judicial branch the freedom to make decisions based on the law and not based on pressure from the other two branches.

Pre-work:

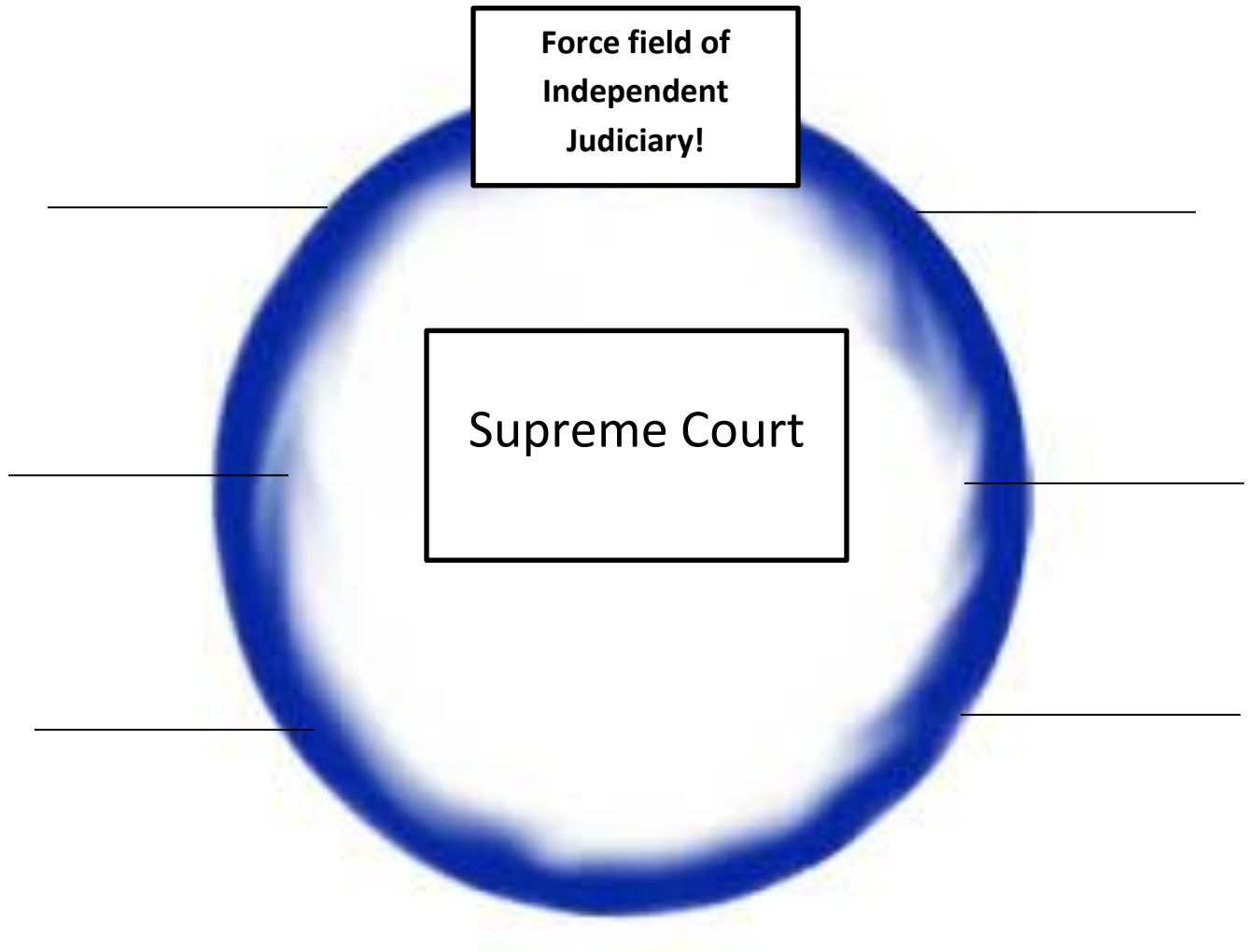
- Highlight or underline the text that helps you define independent judiciary.
- Why did the founders create three distinct branches of government?
- What did they fear, and what did they hope to achieve?
- Which branch makes the law? Which branch enforces the law? Which branch interprets the law?
- What do you think....do people obey Supreme Court decisions? Should they?

Post-work:

- What is judicial review?
- The founders sought to establish an independent judiciary by separating the branches. What are the benefits of having judges be independent of the president or Congress?
- Why do you think people obey Supreme Court decisions?
- What is the Supreme Law of the Land?
- Ernest Green’s graduation was described as a “graduation for the entire nation.” What did the people come to understand about the Supreme Court’s power?

SS.7.C.2.5 Why is the Judicial Branch separate and protected?

Define.... Independent Judiciary:



Thinking points.....

- How long do they serve?
- What is their only qualification?
- Can their salary be decreased?
- How do they get their jobs? Are they elected by the people?
- Do they have to worry about pleasing the people to be re-elected?
- Do they have to worry about the pressure of the other two branches?
- On what do they base ALL their decisions?



SS.7.C.3.6 Constitutional Rights... Individuals vs. Society

One of the biggest challenges our country has always faced is keeping a balance between the need to protect the rights of the individual and the need to protect our society.

******At the end of this lesson, I will be able to do the following:**

___ recognize how individual rights shape involvement in the social, political, and economic systems.

___ recognize how the social, political, and economic systems in the United States are dependent upon individual rights.

___ use scenarios to recognize and/or evaluate options for exercising constitutional rights.

___ evaluate the impact of the government upholding and/or restricting individual constitutional rights.

****** Terms I need to know at the end of this lesson....**

Constitution Rights

Civil disobedience

Economic freedom

Forced internment

Property Rights

Eminent domain

Scenarios

#1 Property Rights..... Scenario #1: *It is 2004. The U.S. Supreme Court is back in session, and the justices have decided to take some important cases this term. One such case involves the city of New London, Connecticut, and the residents of the Fort Trumbull area. Local resident Susette Kelo has filed a suit against the city after New London decided to clear her home and several others' homes in order to build some new office buildings. The city says that the tax revenue the new businesses will generate will benefit private citizens, but the Fort Trumbull residents say that taking their homes violates their 5th Amendment rights because the land will not be for "public use."*

Main Constitutional Right the Case Study Focuses On? _____

Conflict between Rights: What does "public" use mean when the government wants to take private land for public use?

The way the Supreme Court Answered: The court sided with New London. Through the Court's decision the city's right of eminent domain was upheld and they were able to develop the land. Individuals lost their homes.

Notes/Reflection on case: _____

#2 Individual Rights during Wartime..... Scenario #2: *The Japanese attacked the port of Pearl Harbor, Hawaii, in December 1941. After this, the American government was worried that the West Coast of the United States would also be attacked. Many Americans were angered by the bombing of Pearl Harbor and blamed Japanese Americans who were living in the United States. Some people thought that the many Japanese and Japanese Americans who lived there would help the Japanese military. But at the time, there was no known case of spying from any person of Japanese descent.*

In February, 1942, President Franklin D. Roosevelt signed Executive Order 9066. This order allowed the military to use curfews and to move Japanese and Japanese Americans to special camps. Japanese Americans were only allowed to bring very basic items with them. Moving people to camps is called forced internment.

Fred Korematsu was an American citizen. He was born in America and had Japanese parents. He wanted to be in the United States military, but he was not healthy enough. Korematsu did not want to go to the internment camps. He moved away and changed the way he looked to avoid the order. But he was arrested later and sent to a camp.

Korematsu took his case to the courts. He said that Congress, the President, and the military authorities did not have the power to send people to internment camps. He also said that the government was discriminating against him because of his race.

The government argued that the evacuation of all Japanese Americans was necessary because there was evidence that some were working for the Japanese government. The government said that because there was no way to tell the loyal from the disloyal, all Japanese Americans had to be treated as though they were disloyal. The federal appeals court agreed with the government. Korematsu appealed this decision, and the case came before the U.S. Supreme Court.

Main Constitutional Right the Case Study Focuses On? _____

Conflict between Rights: Whether or not the US government had the power to force people into internment camps and whether or not Korematsu was discriminated against due to his race.

What the Supreme Court said? The Court sided with the government and held that the need to protect against espionage outweighed Korematsu's rights.

What did the US Government realize later? _____

Notes/Reflection on case: _____

#3 Freedom of Assembly..... Scenario #3: *In 1965, at the height of the modern civil rights movement, activists organized a march for voting rights from Selma, Alabama, to Montgomery, Alabama, the state capital. On **March 7**, some 600 people assembled at a downtown church, knelt briefly in prayer, and began walking silently, two-by-two through the city streets. With Hosea Williams of the Southern Christian Leadership Conference (SCLC) leading the demonstration, and John Lewis, Chairman of the Student Nonviolent Coordinating Committee (SNCC), at his side, the marchers were stopped as they were leaving Selma, at the end of the Edmund Pettus Bridge, by some 150 Alabama state troopers, sheriff's deputies, and white men, who ordered the demonstrators to break up their assembly and leave. One minute and five seconds after a two-minute warning was announced, the troops advanced, wielding clubs, bullwhips, and tear gas. John Lewis, who suffered a skull fracture, was one of fifty-eight people treated for injuries at the local hospital. The day is remembered in history as "Bloody Sunday." Less than one week later, Lewis recounted the attack on the marchers during a federal hearing at which the demonstrators sought protection for a full-scale march to Montgomery.*

Main Constitutional Right the Case Study Focuses On? _____

Conflict between Rights: Whether or not the march's participants had the right to **assemble** and march from Selma to Montgomery, AL

What did the federal court say? At the end of the hearing, on **March 17**, Judge Frank Johnson, Jr., ruled that the demonstrators had a constitutional right to march. On **March 21**, under the protection of a Federalized National Guard, 3,200 demonstrators set out from Selma in a mass demonstration that became a turning point in the civil rights movement. Then the Voting Rights Act of 1965 gets signed into law in **August 1965**.

