



Acting on the Bill of Rights

Overview

Students will gain an understanding of the rights guaranteed to citizens in the Bill of Rights, the modern controversies that can arise from such rights, as well as the importance and relevance of the Bill of Rights to every individual by participating in role plays. Students will also explore how court cases such as *Tinker v. Des Moines School District* and *Texas v. Johnson* illustrate the protections the Bill of Rights guarantees.

Courses

Civics and Economics, US History

North Carolina Standard Course of Study for Civics and Economics

- Objective 1.07: Evaluate the extent to which the Bill of Rights extended the Constitution.
- Objective 2.06: Analyze court cases that demonstrate how the United States Constitution and the Bill of Rights protects the rights of individuals.
- Objective 2.07: Identify modern controversies related to powers of the federal government that are similar to the debates between Federalists and Anti-Federalists over ratification of the United States Constitution.
- Objective 6.00: The learner will explain why laws are needed and how they are enacted, implemented, and enforced at the national, state, and local levels.
- Objective 6.03: Identify the various procedures in the enactment, implementation, and enforcement of law.

North Carolina Standard Course of Study for US History

- Objective 1.01: Identify the major domestic issues and conflicts experienced by the nation during the Federalist Period.
- Objective 12.02: Evaluate the impact of recent constitutional amendments, court rulings, and federal legislation on United States' citizens.

Essential Questions

- What is the primary purpose of the United States Constitution and the Bill of Rights?
- Why did several states refuse to ratify the constitution without the addition of the Bill of Rights?
- How did North Carolina Federalists and Anti-Federalists view the United States Constitution in 1788?
- What consequences might we face if we are unaware of the Bill of Rights?
- As effective citizens, what responsibilities do we have (individually and as a community) to ensure our rights?
- How did the US Supreme Court Case *Tinker v. Des Moines* demonstrate the protections granted under the Bill of Rights?

Materials

- The Bill of Rights worksheet, attached
- Copy of the Bill of Rights, attached
- Bill of Rights Scenario Examples, attached
- Bill of Rights Political Cartoon, attached
- Image of Mary Beth and John Tinker, attached
- Bill of Rights Hypothetical's, worksheet and answer key attached
- Picture of a Burning Flag, attached
- Sample EOC Questions & Answer Key, attached
- Extending *Acting on the Bill of Rights* for EOC Review
- Resource person, such as a lawyer or police officer (optional)
 - Contact the resource person of your choice 2-4 weeks in advance of this lesson to explain the activity and to ask for assistance in guiding the students regarding various legality issues based on the Bill of Rights (it is important this person does not come to give a "speech," but rather is prepared to engage with the students as they work on and present the role plays). After making an initial contact, follow up with an e-mail including the date, time, location, parking arrangements, school procedures for guests, and a complete set of materials for the activity. It is highly recommended to invite a resource person with legal knowledge to your classroom when doing this activity, not only provide valued assistance in, but also to give your students a chance to interact with and learn from a law official.



Duration

1 block period

Procedures

Rights?

1. As a warm-up, lead students in a brainstorm of the word “rights”, either verbally or as a journal entry. Encourage students to explore all aspects of the word that comes to mind. As a class, create a definition, such as “that which is due to anyone by just claim, moral principles, etc.” Discuss the following:
 - What rights are granted to you as a citizen of the United States?
 - What is the difference in a right and a responsibility? Note examples.
 - Do you feel all people have equal access to these given rights? Explain.
 - Describe a time when you felt that one of your rights was violated. Describe your feelings and response to the situation. Explain ways you could have handled it differently.
 - What current events or events in recent history can you think of that relate to rights, or the denial thereof?

The Bill of Rights

2. Explain to students that in this lesson, they will explore the first ten **amendments** to the **United States Constitution**, called the **Bill of Rights**. Remind students that the United States Constitution was not immediately approved, due to a group of people called **Anti-Federalists**, who believed that the central government had too much power in the new constitution and it lacked a bill of rights protecting the liberty of individual citizens. While 11 states had approved the new constitution by July of 1788, two states still rejected it: North Carolina and Rhode Island. Briefly discuss:
 - Considering the perspectives during colonial times, why do you think Anti-Federalists felt the way they did?
 - How did the addition of the Bill of Rights convince North Carolina to become the 12th state to ratify the constitution in 1789?

Inform the class that they will research these rights, and then participate in an experiential exercise in which they learn how this document applies to their own individual lives today, even though it was created over 200 years ago.

3. Either individually or with a learning partner, students should read a copy of the Bill of Rights, noting each amendment and what rights it grants to citizens. Students may chart their answers using the attached worksheet. Make sure students are aware that accuracy in their answers is crucial to be able to participate in the next activity. Upon completion, briefly go over answers as a class to ensure a basic familiarity with the information.
4. In review, project the “Bill of Rights political cartoon” (attached) asking students to discuss:
 - What do you see? (Students should simply point out all symbols, characters, objects, text, etc. that they notice. Try to keep them from jumping to interpretation until all pieces of the cartoon are pointed out.)
 - What do you think? What message is the artist trying to convey? What do the symbols represent?
 - What techniques has the artist used and why? (exaggeration, caricatures, humor, sarcasm, etc.)
 - Which of the ten amendments does this political cartoon address?

Acting on the Bill of Rights

5. Explain that students will be participating in an experiential exercise in which they will learn how the Bill of Rights applies to their individual lives. The teacher should:
 - Review your expectations for partner work, and group students into pairs or small groups. Give them a modern day scenario in which a right granted by the Bill of Rights has been violated. You may use the scenarios provided in the attached “Bill of Rights Scenario Examples”, or you may create your own.
 - Instruct students to collaborate with their partner or group to develop the scenario into a theatrical scene which they will present to the class. Make sure that students understand the goal is to be realistic and focused in their performance. It is important that they not leave out any details provided in the scenario.
 - If a Resource Person is joining your class for assistance, introduce that person to the class and explain that he/she will be available for legal advice as students create and present their scenes.
 - Teachers should circulate throughout the time allocated for scene preparation to ensure students are on the right track. Give time warnings so that students can work accordingly.
6. Once all partners/groups are ready to present, the teacher should:
 - Review expectations for being a respectful audience member.
 - Explain that each scene will be presented, and the classroom’s job as the audience is to pay close attention and figure out which right they believe has been violated. After each scene is presented, stop and discuss the scene,



allowing students to state their ideas, noting the number of the amendment that they believe was violated and its description.

- If a resource person is visiting, allow him/her to discuss the reality of the scene and legality issues with the class. Students should be permitted to ask related questions also.
- Use the various scenes as conversation starters that link to current events or past Supreme Court cases.
- Once students have discovered the right answer, you can also ask them to think about effective ways to advocate for the violated right in the scene. Instruct the original actors to replay the scene. As they do, class members can yell "FREEZE", at which point the actors stop exactly where they are. The audience member can then take the place of the victim in the scene and play out options for dealing with the situation and advocating for their rights. While the teacher should allow for experimentation with various tactics, it is important to discuss the replay choices students make and whether they are sound, civically minded choices, or choices that may lead to further consequences. If a resource person is available he/she will be good to weigh in on this as well.

7. After the presentation and discussion of scenes, students should reflect (these questions can be discussed as a class or completed as a written response):

- Why is the Bill of Rights important to you as an individual and as a society?
- What consequences might we face if we are unaware of the Bill of Rights?
- What responsibilities do we have (individually and as a community) to ensure our rights are not violated?
- Why was the Bill of Rights added to the Constitution? Why did several states refuse to ratify the Constitution without its addition? Do you agree with their refusal? Explain.

Tinker v. DeMoines

8. Ask students to brainstorm any current events and/or court cases, locally and nationally, which involve a person's rights or the violation thereof. Next, set student thinking up by telling them something similar to the following scenario, as if it is true for your school (really work to make the scenario believable!):

No one has mentioned what happened here in our school yet. Does anyone know what just happened last month? (Likely, you will be met by blank stares.) No one heard about the seniors and the arm bands? There were 10 seniors who wanted to show that they don't agree with the war in Iraq and they all came to school in black arm bands as a form of silent protest, to mourn the death of the 3,000+ American soldiers killed in Iraq. None of you know about this? I'm probably not supposed to tell you...I only know about it because we heard about it in our faculty meeting. All ten seniors were suspended! (Allow students to ask questions, answering them with whatever realistic responses you make up.) They were suspended because the principal was afraid that other students would join in and he thinks we should be supporting President Bush. I can't believe none of you heard about this! We were told in our faculty meeting to send anyone to the office that came to school wearing a black arm band...

Discuss the school's decision with students, letting them express their honest opinions about what they think of the situation. Hopefully a student will refer to the **First Amendment** and that the student's suspensions violate their right to freedom of speech. Ask students what they believe the students who were suspended should do and how they feel about the principal who made this decision.

Finally, project that attached image of **Mary Beth and John Tinker** and let students know that the scenario you have explained to them did not actually happen at their school, but that it did happen in 1965 at a Des Moines school. Assign a reading (for homework if needed) about **Tinker v. Des Moines Independent Community School District**, such as page 108 of Glencoe's *Civics Today* or from <http://www.landmarkcases.org/>. Either in discussion or in writing, ask students to respond to:

- How would you characterize Mary Beth Tinker, Christopher Eckhardt, and John Tinker? What is your opinion of their choice to wear armbands to school? How do you feel about the principal and school board's decision to suspend them?
- Why did the Supreme Court declare that the suspensions were unconstitutional?
- Do you agree or disagree with the Supreme Court's ruling in Tinker v. Des Moines and why?
- Do you think something like this could happen today? Explain.

Texas v. Johnson

9. Next, project the attached picture of a burning flag. (Teachers should use their discretion in terms of how controversial of an issue they are comfortable with their students discussing. While controversial issues generally illicit the most interest and engagement, it is important your classroom have a basis of respectful dialogue first). As students examine the projected image, ask:

- What do you see here? Is a law being broken?

- Which of the first ten amendments might this picture connect to? (In the case of the flag photo, Amendment 1 protects this as freedom of speech.)
 - Why might someone choose to make a statement such as this? How might someone of the opposite opinion civically respond?
 - What are our responsibilities in terms of our rights?
10. Explain to students that whether or not burning a flag should be protected under our First Amendment rights is a topic that has been debated within Congress and ruled upon by the U.S. Supreme Court many times. In 1989, the U.S. Supreme Court decided in favor of the rights of Gregory Johnson (**Texas v. Johnson**), who had been arrested for burning a U.S. flag. The Supreme Court ruled that burning a flag is an act protected by our First Amendment right to free speech. However, in response to this the U.S. Congress attempted to pass an amendment to the U.S. Constitution, granting the states the right to pass laws against flag burning. **The Flag Protection Act of 1989** was the GOP's first attempt to overturn *Texas v. Johnson*.
11. Optional: Have students research proposed legislation on this issue, and/or respond by writing an argumentative essay on this issue. See the Consortiums lesson *Writing About Controversial Issues*, located in the Database of Civic Resources under Goal 10.
12. Hand out and explain the attached *Bill of Rights Hypothetical's or Sample EOC Questions* for homework.

Additional Activities

- Have students rank the top five amendments they feel are most important. Ask students to write reasons for each decision and to support their choice by citing current relevant examples. Have students present their ideas to the class, keeping a tally on how many times each amendment is chosen.
- Assign students one amendment and instruct them to research its historical context. Based on the historical background of the amendment, students should reevaluate the validity and relevance of the amendment in today's society. Instruct students to write a 1-2 page response noting this, as well as considering how society past and present would be affected if this amendment never existed.
- See the attached *Extending Acting on the Bill on Rights* for EOC Review

Differentiation

Students with special needs

- While this lesson involves working in partners and small groups, thus allowing all students accessibility, the language of the Bill of Rights may be challenging for students with special needs. Teachers can either pair students with a learning partner to complete the initial research on the Bill of Rights, or modify the assignment so that a student only focuses on a smaller number of the ten amendments.
- During the experiential activity, scenarios may be adapted to include smaller "supporting" roles (i.e. a bailiff, deputy, friend, etc.)
- Students who are not comfortable participating in the exercise can be assigned behind the scenes roles, such as "Director", and can facilitate the starting and stopping of the scenes.

AIG Students

- Rather than providing a scenario, allow students to write their own scenario and develop it into a scene. Encourage them to focus on Amendments that are more complex.

Resources

- Bill of Rights Institute: <http://www.billofrightsinstitute.org>
- Constitution Center: <http://www.constitutioncenter.org>
- Landmark Supreme Court Cases: <http://www.landmarkcases.org/>
- CEC's US Pocket Constitution: Available for purchase at <http://www.sogpubs.unc.edu/singlebook.php?id=1082>

Multiple Intelligences Addressed

Linguistic
 Logical-mathematical
 Visual-spatial
 Body-kinesthetic
 Interpersonal
 Intrapersonal

The 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.

Name: _____

The Bill of Rights

Amendment	Summary of rights protected by this amendment
First Amendment	
Second Amendment	
Third Amendment	
Fourth Amendment	
Fifth Amendment	
Sixth Amendment	
Seventh Amendment	
Eighth Amendment	
Ninth Amendment	
Tenth Amendment	

After completing this worksheet and learning about the first 10 Amendments, which do you think is most important and why?

Bill of Rights Scenario Examples

These scenarios may be modified and changed. Teachers are encouraged to create alternate scenes themselves or allow students to do so. Prior to the activity, have these scenarios printed and cut into slips that can be handed to students.



1st Amendment: Freedom of the Press

Role A (President): You are the President of the United States. In an interview with a reporter, the reporter has found out something illegal that you have done in your personal life. The reporter plans to print it in the paper. When you learn of this, you set up a private meeting with the report and demand that he/she NOT print the information. You tell him/her that as President, you WILL find a way to get him/her fired if anything negative is printed about you, whether it is true or not.

Role B (Reporter): You are a reporter that has been called to the White House for a private meeting with the President. You have a feeling that this meeting has something to do with some information you are getting ready to print in the next edition of your paper. This information involves the President doing something illegal. When you meet with the President, he/she threatens your job if you print the truth. Afraid of being fired, you finally agree that you'll keep the information quiet.



1st Amendment: Freedom of Religion

Role A (Student): You are a student at a new public school. You are Jewish. As the Principal meets with you the first day to show you around, he/she asks you if you are religious. When you explain that you are Jewish, he/she makes a comment that you should consider the faith of a Baptist, a better religion. According to him/her, you won't fit in at your new school otherwise.

Role B (Principal): You are the Principal of a school. Today you are meeting with a new student. While you are showing him/her around and chatting, you ask the student if he/she is religious. You feel it is your responsibility to "save all the souls" of your students, after all. You discover the student is Jewish and you believe this religion is wrong. You tell the student that he/she should be Baptist like you if he/she really wants to fit in at this school and "go to heaven."



2nd Amendment: Right to Bear Arms

Role A (Hunter): You are a hunter and are carrying a rifle in a designated hunting area. A park ranger approaches you and hassles you about your weapon. You explain that you have a gun permit, your identification, as well as a hunting permit. You show all of this documentation to him/her. He/she threatens to call the police and have you arrested if you do not hand over the gun. Out of fear of being thrown in jail, you reluctantly give the ranger your gun, unsure of what you've done wrong.

Role B (Park Ranger): You are a park ranger monitoring a designated hunting area when you come across yet another evil hunter. You don't personally believe in killing animals, so you want to do anything you can to get him/her to stop. You ask to see his/her permits and ID. You are disappointed when he/she shows you all the proper documentation. Even though he/she is in a designated area for hunting, you threaten to have him removed and arrested if he/she does not give you his gun. You believe this is the only way you'll be able to save all the innocent deer in the area.



3rd Amendment: Quartering of Soldiers

Role A (Soldier): You are traveling home to Fort Bragg having just left Iraq. When your flight is delayed overnight in the Atlanta airport, you don't feel like spending money on a hotel. You take a cab to the closest upper-class neighborhood and knock on the door. When the person answers, you explain that you are a soldier and since you have been fighting for this country, you expect a nice free bed to sleep in and a home cooked meal. When the person refuses, you get heated and demand to be let in for a night's rest. You tell the person that as a soldier of the United States Army, it is law that you are given a place to sleep for free!

Role B (Citizen): You are at your Atlanta home when a soldier knocks on your door. He/she explains that he/she was on the way home to North Carolina, having served several years in Iraq, when his/her flight was delayed. The soldier explains that since he/she has been fighting to keep you safe and secure, you owe him/her a free place to sleep for the night and a home cooked meal. When you refuse, he/she gets angry and says you are required to do so by law. This makes you nervous – you don't want to end up in jail or Guantanamo Bay for breaking military law, so you let him/her in.



4th Amendment: Searches and Seizures

Role A (Citizen): You are at home when there is a knock on your door. A police officer is at the door and says he/she wants to search your home because it is suspected that your brother stole some things. You do not want to let the officer in, and you say tell the officer that you are sure your brother hasn't done anything wrong. The officer tells you that he/she can come in regardless of what you say, since he/she is an officer of the law. He/she says it will be better for your brother this way. While you are thinking about it, the police officer pushes past you and begins to search your home. You don't know what to do, so you sit on the sofa frustrated.

Role B (Policeman): You are a police officer and show up to a house where you think a thief has hidden some stolen goods. You are just taking a guess that this might be where the goods are, since this is the home of the alleged thief's sibling. You don't feel you have time to get a warrant. This criminal has eluded you several times, and this time you are going to catch him, regardless of what it takes. You knock on the door and when a person answers, you demand to be let in. You intimidate the homeowner to the point that when his/her guard is down, you push past him/her into the home to search it. You are the LAW, after all – you can do what you want!



4th Amendment: Searches and Seizures

Role A (Judge): You are a judge, and your best friend since elementary school is appears before you asking for a warrant to search his/her ex-fiancé's home. You know that the ex-fiancé hasn't done anything wrong, but you also know your friend really wants a reason to get in there and snoop around, so you approve the warrant.

Role B (Detective): Your fiancé recently called off your wedding, and having heard that he/she is seeing someone else, you really want to go into his/her home and snoop around a little. But, you don't want to break the law by "breaking and entering". You have a friend who is a judge, so you go to him/ her and ask for a warrant to search for "stolen goods." Since you and the judge have been friends since elementary school, you get the warrant.



5th Amendment: Rights of Those Accused (Miranda Rights)

Role A (Police Officer): You are interrogating a detainee accused of kidnapping. You feel the person did the crime. You can see the guilt in his/her eyes and you don't want to waste any time with a long, drawn out investigation. You hand the accused a typed confession and tell him/her if they want to make things easy they should sign the confession. You could care less that the person doesn't seem to be able to read...what they don't know can only help you get a conviction.

Role B (Accused Citizen): You have been arrested for kidnapping, but you don't understand what is going on. The police officer who arrested you didn't say anything during the arrest. Now, you are being interrogated by yourself and the officer is telling you if you want to get out of trouble that you have to sign a piece of paper. You are scared and worried. You aren't a great reader, and you can't understand what the piece of paper says. You don't want to make the officer mad, so out of fear and confusion, you sign the paper hoping it is a description of how innocent you are. All you want to do is be able to go home.



5th Amendment: Double Jeopardy

Role A (accused): You are home watching TV when there is a knock on your door. There is a police officer who asks if you are <<insert your name>>. When you say that you are, he/she says that you are under arrest for the murder of Jack Jeffries. You tell him/her that he/she must be mistaken, because you were tried and acquitted of that exact crime last year. You try to explain that a jury already found you innocent of the murder of Jack Jeffries. He/she tells you that the DA believes the jury made a bad decision that you need to be put on trial again, with a more competent jury that can see you for who you really are...a murderer.

Role B (police officer): You have been given an arrest warrant for <<insert your partner's name>>, who is accused of the murder of Jack Jeffries. You remember that he/she stood trial last year for this same murder - it was all over the papers and the accused was acquitted by a jury. However, the DA has told you that he/she thinks the decision the jury made was ridiculous, so the DA has decided to try the accused again with "smarter" jury members. You go to the person's house, knock on the door, and ask "Are you <<insert name>>?" When the person says yes, you arrest him/her for the murder of Jack Jeffries. When the person protests you explain that the DA is going to make sure a guilty verdict is handed down this time. You read him/her their Miranda Rights and head to the police station.



6th Amendment: Right to a speedy trial

Role A (Inmate): You are waiting in jail for a trial. You do not know why you are on trial, and you are very angry because you have been waiting for 7 months in jail! You beg the guard to tell you why you are on trial, and also beg him/her to speed up the process. Seven months is too long to sit in a cell, especially when you are clueless as to why!

Role B (Guard): You are a jail guard. One of your inmates is really getting on your nerves. He/she keeps begging you to tell him/her why they are in jail. You figure, tough luck...the crook should know what they did already. The inmate also keeps complaining about having been in jail seven months waiting on a trial. You tell him/her it serves them right!



7th Amendment: Civil Suits

Role A (Home owner): You are attending a court hearing based on a suit you are filing against your neighbor due to trouble you are having over his/her dog. Recently, you left your garage door open and came home to find many of your belongings, which were stored inside, chewed up and ruined by the mutt. The damage is around \$3,000. You explain all of this to the judge and request a civil trial by jury. You feel that a jury will be sympathetic to your frustration with your neighbor, will understand it was your neighbor's dog that ruined your property, and will thus rule that your neighbor must pay for the damages.

Role B (Judge): You are a judge presiding over a civil suit in which a person is suing his/her neighbor for \$3,000. The homeowner has explained to you that his/her garage was vandalized...by a dog. In listening to the homeowner, you realize he/she does not want to allow you to rule on this case. He/she is requesting a trial by jury. You feel there is nothing for a jury to decide and that a jury will only prolong what could be a quick trial. You tell the homeowner that you refuse to allow this civil case to go in front of a jury and that you will be presiding over the case yourself.



8th Amendment: Cruel and Unusual Punishment

Role A (Convicted Felon): You are attending your sentencing hearing in court. When the judge asks you to rise and recounts your crimes, he/she sentences you to death by starvation. You yell that this is unfair, but the judge does not relent.

Role B (Judge): You are a judge and you are responsible for convicting a criminal that you think should really suffer for what he/she has done. Thus, you sentence him/her to death by starvation.



9th Amendment: Other Rights (i.e. right to privacy)

Role A (construction job applicant): You are applying for a construction job. At the interview, the manager explains that he/she is interested in hiring you, but worries you can handle the heavy lifting and strenuous work that goes along with the job. He/she explains they only want to hire the healthiest of people. You say that you are healthy and that you can certainly handle any physical requirements of the job. Later, after the interview, you learn that the construction company somehow gained access to your medical records and refuse to hire you due to a back injury you had four years ago.

Role B (construction manager): You are interviewing a person for a job in your construction company. The interview goes well, but the last person you hired was a wimp and ended up throwing out his back on the job and costing the company time and money. You explain to him/her that anyone hired must be in top notch health since the job is very physically strenuous. He/she assures you that they can handle whatever you throw at them. However, you aren't taking any chances. When the applicant leaves, you call your friend at the local hospital and ask him to check out the applicant's medical records. He tells you that the applicant threw out his/her back four years ago. You decide not to hire him/her because of this.



Tenth Amendment: Reserved Powers

Role A (President): As President of the United States of America, you have decided to use your power to eradicate one of your biggest pet peeves...second hand smoke. You meet with your Vice President and explain to him/her that cigarette smoke drives you crazy and that you think it is a bad habit for any American to have. You tell him/her that the national government is going to make all bars and restaurants across America smoke free effective immediately. The Vice President, as always, agrees with everything you say and says that as the President, you can tell the states to do anything you choose.

Role B (Vice President): The President calls you in for a meeting regarding his/her annoyance with cigarette smoking in America. He/she tells you that the national government should immediately mandate that all bars and restaurants immediately become smoke free. You want to stay on the Presidents good side, so as always you tell him/her that you completely agree.

✂

The Bill of Rights Political Cartoon



Name: _____

Bill of Rights Hypothetical's

Directions: Read the following hypothetical situations and decide whether each one contains a violation of the Bill of Rights. For each, circle *violation* or *no violation* and then write the number of the amendment and the appropriate phrases from the amendment that relate to the situation.

1. A 20 year old college student starts his own newspaper, which often prints articles making fun of the local mayor. The mayor is angry and gets his aides to take the papers off the stand before they can be distributed.

Violation	No violation	Amendment support:
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2. A woman is being tried for murder. The prosecuting attorney forces her to take the stand and testify.

Violation	No violation	Amendment support:
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3. A student wears a button to school urging people to vote for a certain candidate for President of the United States. Some other students don't like the candidate and ask the principal to force the student to take off the button. The principle refuses to tell the student to remove the button.

Violation	No violation	Amendment support:
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4. A dentist is being sued for \$500,000. He wants a jury to hear the case but the judge refuses his request.

Violation	No violation	Amendment support:
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5. A young woman is being tried for treason. She is accused of selling plans for building a nuclear weapon to Iran. The judge believes it would be dangerous to let the public hear her ideas. He refuses to allow anyone to view the trial.

Violation	No violation	Amendment support:
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6. A group of teenagers gather quietly on a street corner. Neighbors complain and ask the police to arrest them for getting together as a group. The police refuse.

Violation	No violation	Amendment support:
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7. A town needs more land to build a new elementary school. A woman's property is needed but she wants to keep it. The town forces her to sell and gives her twice the property's actual value. She sues to get her land back.

Violation	No violation	Amendment support:
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8. The government tries a man for murder and loses the case. A jury says he is innocent. The district attorney who prosecuted the case is mad and promises to keep trying him until they get a jury to convict him. The defendant thinks this is unfair.

Violation	No violation	Amendment support:
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9. The Postmaster General of the United States has a cross and a nativity scene installed at all Post Offices throughout the country during Christmas time. Government funds are being used to purchase the cross and nativity scene. The mayor of a predominantly Jewish town demands that the cross and nativity scene be removed from her town.

Violation	No violation	Amendment support:
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10. A man living on a quiet residential street erects a giant billboard on his front lawn. The billboard has neon lights advertising a new breakfast cereal that the man invented. The city has zoning laws against this type of sign in a residential neighborhood and demands that it be removed.

Violation	No violation	Amendment support:
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Answer Key: Bill of Rights Hypothetical's

1. **IS** a violation of the student's First Amendment right to free press.
2. **IS** a violation of the woman's Fifth Amendment right protecting herself from self-incrimination.
3. **IS NOT** a violation. The principal behaved in a constitutional manner by refusing to violate the student's First Amendment right of speech (wearing a political button is considered political speech protected by the First Amendment). If the principle believed the button could cause a riot or seriously disrupt the school, the principle could prevent the student from wearing the button.
4. **IS** a violation. The Seventh Amendment guarantees the right to a jury trial if requested in civil cases where the value in controversy exceeds \$20.00.
5. **IS** a violation. The Sixth Amendment guarantees the right to a public trial.
6. **IS NOT** a violation. The police were upholding the teenagers First Amendment right to assemble when they refused to arrest the teenagers for standing on the street corner. However, if the group was blocking access to a store or house, police have the right to remove them.
7. **IS NOT** a violation. The Fifth Amendment allows the government to take private property for public use, as long as the owner receives a fair price (called compensation of property).
8. **IS** a violation. The Fifth Amendment prohibits a person from being tried twice for the same crime.
9. **IS** a violation of the First Amendment which forbids the government from establishing a religion.
10. **IS NOT** a violation of the First Amendment. This type of zoning law is constitutional. Local governments have the right to enact reasonable zoning ordinances.



Image of Mary Beth and John Tinker



Source: <http://www.rightsmatter.org/>

Picture of a Burning Flag



Source: www.alnyethelawyerguy.com

Sample EOC Questions

1. Which reason *best* explains why Anti-Federalists agreed to the ratification of the U.S. Constitution?
 - A they were convinced by the Federalists that a stronger national government was needed
 - B the inclusion of a Bill of Rights
 - C they feared civil war would erupt if the new government could not quickly agree
 - D Anti-Federalists understood that appearing weak to Britain would put the country in danger
2. Which factor has made the strongest contribution to the development of religious freedom in the United States?
 - A Most citizens have shared the same religious beliefs.
 - B Religious groups have remained politically unified.
 - C School prayer has been ruled constitutional by the Supreme Court.
 - D Guarantees in the Constitution have encouraged religious expression and toleration.
3. “The most stringent protection of free speech would not protect a man in falsely shouting fire in a theater and causing a panic.” -Justice Oliver Wendell Holmes

Which interpretation of the Bill of Rights does this statement illustrate?

- A The needs of the government are more important than civil liberties.
 - B Constitutional protections of liberty are not absolute.
 - C The Supreme Court can eliminate freedoms listed in the Bill of Rights.
 - D The Bill of Rights does not safeguard individual liberties.
4. An example of the unwritten constitution in the United States is the
 - A right of citizens to vote if they are 18 years old or older
 - B right to freedom of speech
 - C rise of the two-party political system
 - D protection against cruel and unusual punishment
 5. Which action would be necessary before the government could deny a person a public trial by an impartial jury?
 - A a national referendum
 - B passage of a law by Congress
 - C a unanimous ruling by the Supreme Court
 - D ratification of a constitutional amendment
 6. **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.

According to this amendment, which of the following statements is correct:

- A States have the power to determine their own supreme laws, regardless of the Constitution, for their citizens to follow.
- B The Constitution determines all legal issues in the United States.
- C The governmental powers not noted in the Constitution are powers that the states, or the people of those states, have.
- D The governmental powers not noted in the Constitution or addressed by the states are illegal.

7. During the debates over the ratification of the United States Constitution, Federalists and Anti-Federalists disagreed most strongly over the
- A division of powers between the national and state governments
 - B provision for admitting new states to the Union
 - C amendments to be included in the Bill of Rights
 - D method of amending the Constitution
8. Which idea is illustrated by the Supreme Court cases *Schenck v. United States* and *Korematsu v. United States*?
- A The free speech rights of Communists have often been violated.
 - B During wartime, limitations on civil rights have been upheld by judicial action.
 - C The rights of protestors have been preserved even in times of national stress.
 - D Economic interests of foreign nations are frequently upheld in United States courts.
9. The decisions of the United States Supreme Court in *Miranda v. Arizona*, *Gideon v. Wainwright*, and *Escobedo v. Illinois* all advanced the
- A voting rights of minorities
 - B guarantees of free speech and press
 - C principle of separation of church and state
 - D rights of accused persons
10. The police enter an individual's home without invitation or a warrant and seize evidence to be used against the individual. Which amendment in the Bill of Rights has been violated in this scenario?
- A First Amendment
 - B Fourth Amendment
 - C Eighth Amendment
 - D Fourteenth Amendment
11. The Supreme Court cases of *Tinker v. Des Moines* and *New Jersey v. TLO* involved the issue of
- A freedom of the press
 - B the rights of students in school
 - C freedom of religion
 - D the rights of prison inmates
12. A same-sex couple goes to the North Carolina magistrate to be married but the magistrate turns them away and refuses to perform a marriage, citing same-sex marriage as illegal. Has the couple's rights been violated according to the Bill of Rights?
- A No: The Bill of Rights does not address the rights of homosexuals, thus same-sex marriage is a state issue.
 - B Yes: The Bill of Rights guarantees freedom of speech and expression, thus the magistrate was breaking the law by not marrying the couple.
 - C Yes: The Bill of Rights protects all citizens from harassment and legally, the magistrate's refusal to marry the couple warrants harassment.
 - D No: The Bill of Rights only protects marriage between a man and a woman and does not protect marriage between same-sex couples.

Sample EOC Questions – Answer Key

1. B
2. D
3. B
4. C
5. D
6. C
7. A
8. B
9. D
10. B
11. B
12. A



Extending "Acting on the Bill of Rights" for EOC Review

Essential Questions

- What is an amendment?
- By what process can the Constitution be amended?
- What are other ways the Constitution has been changed beyond the amendment process (legislation, court decisions, etc.)?
- What influence have Amendments 1-27 had on our lives?

Extension Procedure

- Create scenarios that illustrate amendments 11-27 that you feel your students need to review and instruct them to prepare a scene to present to the class (see example scenarios below). Classmates as audience members will need to figure out which amendment the scene is about.
- Assign an amendment to students. Rather than give them a scene, have them research/review the amendment and develop their own scenario and scene. Again, classmates as audience members will need to figure out which amendment the scene involved.
- Ensure that you review expectations with students before they prepare and perform their scenes. As some scenes deal with controversial topics and time periods, students need clear expectations on how to present the scene but still be respectful.
- Have students prepare a review chart on notebook paper that they fill in with the amendment details and other terms of review during the discussion that takes place after each scene.

Amendment Number and Topic	Amendment Details	Related terms/issues

Scenario Examples

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13th Amendment: Slavery Outlawed

Person A (enslaved person): You are working in a field when a friend of yours, also enslaved, runs up and tells you to stop working. He/she explains that you are free! You want to be excited, but you are also unsure of some things. Is this really true? If it is, where are you supposed to go? Where will you live and what will you do?

Person B (enslaved person): You have just heard the news that all slaves have been freed. It took some convincing, but now you believe it and you are ready to get off this plantation. When you see a friend still working in the field, you run up to tell him/her the great news!

Examples of points to review after the scene:

- Slave trade
- Middle Passage
- Triangle Trade Route
- Effect of slavery on America's economy and identity
- 3/5 Compromise
- The Commerce and Slave Trade Compromise
- Writ of Habeas Corpus (Lincoln's suspension thereof during the Civil War)





14th Amendment: Civil Rights in the States

Person A (Bus Driver): You are driving a bus in North Carolina. When you come up to your next stop, an African American person is waiting to go on. When he/she enters the bus, he/she sits in the front seat. You tell him/her that they are not allowed to sit there, and that they need to move on to the back.

Person B (African American bus rider): You get onto a bus and take the front seat. The driver tells you that you cannot sit there and that you need to move on to the back. You tell him/her that you are sure that by federal law you are allowed to equal rights and protection under the law just like everyone else. You explain that his/her telling you to move to the back is an abridgment of your privileges as a citizen of the United States!

Examples of points to review after the scene:

- Jim Crow South
- Plessy v. Ferguson
- Brown v. Board of Education
- Swann v. Charlotte-Mecklenburg BOE
- Civil Rights Movement (sit-ins, Boycotts, Freedom Riders, etc.)
- Civil Rights Act of 1957
- Civil Rights Act of 1964
- NAACP founded in 1909



15th Amendment: Right to Vote

Person A (freed Black): You show up to vote and find your previous master running the polling place. When he asks you what you are doing there, you tell him/her you have come to vote. He tells you that there is no way you can vote, since you used to be a slave, and since you are black. You tell him/her the Constitution gives you the right to vote regardless of race, color, or previous enslavement.

Person B (election volunteer): You are volunteering at a local polling place when you see a former slave of yours arrive. You ask him/her why he/she is here, and are shocked when they say that they are planning to vote. You think this is unheard of. Everyone knows that a black person, especially one who was a slave, can't vote. You tell him/her to go away.

Examples of points to review after the scene:

- Jim Crow South
- Poll taxes
- Literacy tests
- Grandfather clauses
- Voting Rights Act of 1965
- NAACP ("secure impartial suffrage")
- Civil Rights Movement



Amendment 18: National Prohibition

Person A (bar customer): You show up to your favorite bar, and the bartender tells you he's been shut down. When you ask why, he says all bars have been shut down. He explains that it's been declared illegal to make, sell, or carry intoxicating drinks in the US. He tells you he's happy to give you a glass of water, but that's all he can do. You are not at all happy about having a glass of water.

Person B (bartender): You are working at your bar when your first customer of the day comes in looking for a "stiff drink". You explain that unfortunately, you cannot serve him/her anything other than a glass of water, since federal law has declared that selling or making alcohol is now illegal. You can see he/she is upset, but not as upset as you. You are going to lose your livelihood since you can't make a living selling water!

Examples of points to review after the scene:

- 21st Amendment

