

★ **Bill of Rights: Rights and Responsibilities** ★

Purpose

The purpose of this lesson is to provide the student with opportunities to describe how written and unwritten laws and rules (plus mores and customs) of a society affect individual and group behavior.

Objective

The student will 1) consider the importance of individual liberties found in the Bill of Rights, 2) recognize the significance of the Fifth through Eighth Amendments, 3) recognize the significance of the Declaration of Independence, and 4) recognize that American citizens not only enjoy many rights guaranteed by the Constitution but also have many responsibilities associated with those rights.

Theme-Responsibility

The Bill of Rights in the U. S. Constitution guarantees citizens freedom through unalienable and established rights. With these rights also come our responsibility as citizens to understand their purpose and to exercise them appropriately.

TEKS

113.35.c.9 Government. The student understands the structure and functions of

the government created by the U. S. Constitution.

113.35.c.14 Citizenship. The student understands rights guaranteed by the U. S. Constitution.

113.35.c.15 Citizenship. The student understands the difference between personal and civic responsibilities.

113.35.c.23 Social Studies. The student uses problem-solving and decision-making skills in a variety of settings.

Time

2-5 days, 1 hour per session

Materials

- ★ Bill of Rights handout
- ★ Abridged Bill of Rights handout
- ★ My Bill of Rights handout
- ★ Surveying the American People handout
- ★ Rights and Freedoms handout
- ★ *Instructor Magazine* (Sept 1991, pp.42-43)
- ★ Website - www.americanheritage.org

Preparation

- ★ Copy materials/handouts.

Focus

Discuss: “What is so important about freedom?” Freedom is “the state or condition of being free.” John Locke, whose ideas provided Jefferson with the basis for the Declaration of Independence, described freedom as “...our being able to act or not act according as well shall we choose or will.” Two synonyms for freedom are liberty and independence. These denote being able to act without interference or control by another. Freedom emphasizes the power to exercise rights. Liberty emphasizes the responsibility that balances each freedom. (For example, freedom of speech does not condone the liberty to gossip or tell lies.) Independence emphasizes the power to stand alone—sometimes supported by, but never dependent upon, someone or something else.

Activity

1. The Bill of Rights: What Are Our Rights?

A. Students research and discuss the context and reasons for the creation of the Bill of Rights of 1791. Consider the order, placement, and significance of the Bill of Rights in the Constitution. (See Links page on www.americanheritage.org for additional resources on the Bill of Rights.)

B. Students research and analyze each amendment's meaning and significance. Consider their order and importance. Give some illustrations of these rights applied in students' everyday lives. Students record the provisions of each amendment, writing each amendment in their own words and providing examples. Consider how these amendments and rights affect Americans today.

C. The student chooses the amendment he or she thinks is the most important and writes an essay or composition defending his or her position. The student may use logic, ethics, and emotional appeal along with examples and other forms of support to defend his or her position/opinion. These compositions can be shared with other classmates, perhaps in the form of a debate.

2. Surveying the American People

Distribute or present the following scenario, "Surveying the American People," to students. Read the instructions and story and ask students to list the rights in order from most important to least important or from most impacting to least impacting. This may be done individually, in pairs, or in small groups. Ask students to defend their choices of why they ranked the amendments as they did. Further, have students provide three to five reasons why they chose as #1 one amendment as being the most important or having the most impact. Place these reasons in descending order of importance. Why did they like this amendment? Which rights do they most appreciate having? Why? After students have ranked their items, compile a list of the five highest-ranking items. Discuss the importance of all the rights. (Teachers may want to list rights on index cards and have students rank them accordingly.)

3. Select an Amendment

Students select a constitutional amendment that: 1) has the greatest impact on religious groups, 2) offers the greatest protection for school publications, 3) most effects voting days, 4) most effects term limits, 5) has the greatest impact on women, 6) represents the ideas of the progressive movement, 7) most effects a particular kind of industry (restaurant business, etc.) etc. Various criteria of selections can be chosen by the teacher.

4. A Mock Trial

This activity helps students understand the Fifth through Eighth amendments as they conduct a mock trial. Decide on a good case appropriate for the grade level. Randomly select or appoint students to role play the judge, the lawyers, and the witnesses. Then review, discuss, and elaborate on the Fifth through Eighth amendments so that the students can understand the rules. Students prepare scripts in order to continue with the drama. Create crime scenarios for the case like: 1) young boys arrested for stealing, 2) teenagers flogged for vandalizing cars, etc.

5. Rights and Responsibilities

A. Put the following statement on the chalkboard: “Citizens of the United States have rights and responsibilities.” Have students define and think about the following terms:

Right: a privilege given to you by law, something to which you are entitled.

Responsibility: something you are obligated to do.

Examples: Citizens have a right to free speech.

Citizens have a responsibility to speak truthfully.

Students generate a T-chart or vend diagram, including in the left column their rights and in the right column one or more corresponding responsibilities. Students consider the possibility that an item might be both a right and a responsibility. Find examples in everyday life that illustrate each as well as possible violations of each. Compare and contrast rights and responsibilities.

B. Discuss the balance and relationship between rights and responsibilities. How are they similar or different from one another? Why are they both important? Why is it important to exercise our rights responsibly? Have students write a brief response or a longer essay addressing one of these issues/questions and share it with the class.

C. Students review some of the specific responsibilities that go along with each right. Then have students work in pairs to create a collage, chart, cartoon, drawing, or other visual that creatively illustrates one or more of these rights and responsibilities and their characteristic importance. Students may give their visual a tone which may be serious, inspiring, humorous, dramatic, patriotic, educational, etc. Publish a Bill of Rights class book using the illustrations/visuals.

Closure

Discuss: What would life be like without the rights guaranteed in the Constitution? Students may write down or visualize through illustration their perceptions of life without a certain right or rights. What are some of the possible dangers of not having a national, agreed upon Bill of Rights and Constitution? What is or might life be like in other countries where such rights are not protected? Think about real-life historical or present-day examples.

Assessment

Students will write a composition/essay addressing one of the issues discussed in closure or a related issue.

THE BILL OF RIGHTS:

THE ORIGINAL (FIRST) TEN AMENDMENTS OF THE CONSTITUTION

Passed by Congress September 25, 1789. Ratified December 15, 1791

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 offence 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 defence.

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 re-examined 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.

AN ABRIDGED BILL OF RIGHTS:

THE ORIGINAL (FIRST) TEN AMENDMENTS OF THE CONSTITUTION RATIFIED 1971

By Thomas Dyer

FIRST AMENDMENT: *Freedom of Religion, Assembly, and the Press.* Congress cannot pass laws that take away the freedom to believe and worship as you wish, and shall not limit freedom of speech or freedom of the press (the ability to write what you want). The right of people to peacefully get together, and to ask the government to correct wrongs, shall be protected.

SECOND AMENDMENT: *Freedom to Bear Arms.* Because a fighting force of citizens might be necessary to protect a free state, states have a right to allow people to keep weapons in their homes.

THIRD AMENDMENT: *Limits on the Quartering of Soldiers.* People don't have to allow soldiers to stay in their homes during peacetime, nor in time of war unless a special rule is made by the government.

FOURTH AMENDMENT: *Limits on Searches and Seizures.* Unless the government (including the police) has good reason, people, their homes, and their things cannot be searched or taken away. To conduct a search, officials must have reason to believe they will find a stolen object or discover a person breaking the law.

FIFTH AMENDMENT: *The Right to Due Process of Law, Including Protection Against Incriminating Yourself.* People don't have to give evidence against themselves in court. If they have been found innocent of a crime, they can't be tried again for the same crime. People have to be treated fairly by the law, and cannot have their lives, liberty, or property taken from them unless it is fair.

SIXTH AMENDMENT: *The Right to Legal Counsel and a Fair Trial.* People accused of a crime can have a lawyer and a trial by jury. They have to be told what they are accused of, and they can ask questions about it.

SEVENTH AMENDMENT: *The Right to a Jury Trial in Civil Cases.* If a disagreement between people is about something more than \$20.00, then they can have a jury trial.

EIGHTH AMENDMENT: *Unfair Punishment Is Forbidden.* People arrested on a charge can be free while they wait for their trial if they pay money to the court as bail, which is a way of promising they will return for their trial. If they show up, they get this money back. Fines have to be fair. And people found guilty cannot be punished in a cruel or unusual way that is not allowed by law.

NINTH AMENDMENT: *Other Rights Are Protected by the Constitution.* The rights listed in Amendments 1-8 aren't the only ones people have.

TENTH AMENDMENT: *Any Powers that Do Not Belong to the National Government Belong to the States.* The U. S. government has only those powers listed in the Constitution.

MY BILL OF RIGHTS

Use this form to write your own personal Bill of Rights!

Be it known to all people that I, _____,
being a citizen in good standing of _____,
and being of sound mind and body, do wish to state that every one of the following
rights is mine and that I accept the responsibility that accompanies these rights.

1. The right to spend time with my friends _____ and
_____, knowing it is my responsibility to return home in time to eat
dinner and do homework.

2. The right to stay up and _____, knowing it is my
responsibility to _____.

3. The right to _____, knowing it is
my responsibility to _____.

4. The right to _____, knowing it is
my responsibility to _____.

5. The right to _____, knowing it is
my responsibility to _____.

This Bill of Rights is hereby signed, sealed, and ratified this day of
_____, in the year _____.

Signed:

Witnessed by:

Excerpted with permission from "A Bill of Rights K-12 Resource Packet" published by the Michigan Commission on the Bicentennial of the United States Constitution.

Surveying the American People

Scenario:

You and your family recently read a story together about the formation of a new country. In the story, the leader of the country decides to survey the American people about their government and their rights. He makes a request: “We have looked at some of your laws and the way your government operates and have found that they seem to work very well and provide the right amount of freedoms and responsibilities for the individual so that everyone can get along and live together harmoniously and safely. Therefore, we would like to conduct a survey among the people of the United States to try and arrive at a decision about which rights would be important to adopt. Therefore, I have created a list of the Bill of Rights in your Constitution for you to rank in order. Please look over the list and decide which of the ten are most important to you and in what order. Make a note among yourselves of the top FIVE of the ten rights, the five which get the most votes from all the citizens of the United States.” To do this activity, you will need to think about each right and why it is important. Think about how each right functions and serves the American people. Consider what life would be like without these rights. Follow the directions for and complete the survey about our rights.

Rights and Freedoms

You and your classmates are to rank the following rights in order of importance or in the order in which you would give them up, with 1 being the most important right (the right you would give up last) and 10 being the least important right (the one you would give up first). Discuss each right and why it is important. Think about how each right functions and serves the American people.

Directions: Rank from 1 to 10 your most important rights (1-most important, 10-least important).

_____ Right to bear arms

_____ Right to freedom of speech

_____ Right to legal counsel

_____ Right to protection from cruel and unusual punishment

_____ Right to freedom of the press

_____ Right to jury trial

_____ Right to freedom of religion

_____ Right to peacefully assemble

_____ Protection from self-incrimination

_____ Right to protection from unreasonable searches and seizures