

## **Our Bill of Rights**

*Maureen Greenly*

### **Introduction and Rationale**

Thomas Jefferson wrote that, "A bill of rights is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse." As a teacher of history, economics, culture, and geography it's the words spoken by Thomas Jefferson that remind me why individual knowledge of rights and liberties is important my students. I feel compelled daily in my classroom to transfer knowledge and information to my students that will help them to think about the past so that they can make better choices for their future and the future of our American society.

To strictly teach past events of history to my students seems arbitrary, it bores them and they don't have the buy in as to what this information means to their lives. My students become excited and passionate when I am able to provide modern examples and real life stories about people and events that they can relate to in our class that day. They want to argue the fact's, debate the issues and seek more knowledge and information when they perceive an injustice has been done to someone or to a group of people. I feel obligated to give my students these opportunities. I hope that by teaching them how to compare and contrast the causes and effects of events they are better able to understand different perspectives and why the events happened. Students that are passionate, engaged, and knowledgeable members of our school and community will hopefully become empathetic, active, and informed citizens of our country tomorrow.

The purpose of this unit is to guide the students to research the ratification of the Bill of Rights. By using primary and secondary sources to compare and contrast, I will be able to show my students how analyzing historical events may help to understand why and how we are protected in our country from our government and from each other. The unit's lessons follow a path from events that lead up to a country's ratification of the Bill of Rights, the interpretation of the Bill of Rights, and analysis of landmark Supreme Court cases. By using primary and secondary sources to compare and contrast. I will be able to show my students how analyzing historical events may help to understand why and how we are protected in our country from our government and from each other. The unit's lessons will allow my students to understand the reasons for the ratification of the Bill of Rights, to apply the Bill of Rights to our everyday life, and to analyze landmark Supreme Court cases addressing the Bill of Rights. I want my students to be able to

understand that effective citizens are committed to protecting rights for themselves, other citizens, and future generations and by upholding their civic responsibilities.

The students themselves are a lesson in the Bill of Rights. Although they all are citizens of the United States, living in the same state and in close proximity to each other, their access to these freedoms are clearly different. They are a real life example of the disparity that can exist in a society where “all people are created equal” and have access to the same rights.

This unit of study was chosen to provide prior knowledge of the Bill of Rights before the students study a unit directed by the State of Delaware. Specific knowledge of the events that led to the idea of the Bill of Rights and the process of adopting the Bill of Rights will allow the students to better understand how the Bill of Rights function today in our society.

### **Demographics**

This unit will be taught in my 7<sup>th</sup> grade Social Studies classes to students with varied learning levels. H.B. DuPont Middle School serves a diverse student body that is composed of Asian, African-American, Hispanic, and White students. The school is a traditional middle school with students in grade sixth through grade eight. The student body comprises of eight hundred and forty six students with a racial breakdown of seventy-seven Asian students, one hundred and thirteen Hispanic students, one-hundred and eighty four African-American students, and for-hundred and seventy two White students. As a result, H.B. DuPont is a real-life example of diversity in America. With such diversity within the walls of our school, come some real challenges when looking at and working with the differences in the socio-economic background of our students. Our student population hail from highly impoverished neighborhoods in the city of Wilmington, Delaware, that are prone to high crime and violence and lack resources that support higher learning, while others live in wealthy safe neighborhoods with better access to resources that support life-long learning opportunities.

### **Constitution**

During the summer of 1787 in Philadelphia, Pennsylvania, the Constitution was written. Representative delegates from 12 states met to replace the Articles of Confederation with a new form of government. In order for the Constitution to be ratified, they would need nine states to approve the Constitution. This process was not certain and states began to debate the language of the Constitution. Two disagreeing sides emerged from the debate,

Federalists and anti-Federalists. The Federalists believed that the Constitution should be approved while the anti-Federalists disapproved of the Constitution.

The disagreement between the Federalists and Anti-Federalist was over the lack of individual rights being protected within the Constitution. Anti-Federalists felt that the Constitution lacked language protecting specific individual rights and did not limit the power of the federal government. The Anti-Federalists “claimed that the brevity of the document only revealed its inferior nature.” (Bruns) They wanted amendments added to the Constitution that would protect individual freedoms and “protect those essential rights of mankind without which liberty cannot exist”. (Bruns)

In the Federalist Papers, James Madison presented arguments in favor of ratification of a new Constitution. Madison understood the necessity for a strong central government because individual states might not be able to protect themselves against foreign powers. A strong national government would provide protection, maintain order, regulate trade and guarantee the rights of citizens. Madison also argued that the states would not lose their importance in a federal system. Madison wrote, “We have seen the necessity of the Union as our strength against foreign danger, as the conservator of peace among ourselves, as the guardian of our commerce and other common interests, as the only substitute for those military establishments which have subverted the liberties of the world...”

The Anti-Federalists who opposed the Constitution wanted changes to the Constitution. At the center of their objections was the belief that the Constitution created too strong a central government and feared that it would endanger people’s liberties. They felt that the Constitution created a single national government, not a federal government. They believed that the power of the states would be destroyed by the new Constitution. They worried that as the states lost their power to rule, a national government would seize control and abuse their power over the states. Eventually, the Anti-Federalists argued, people would lose many of their freedoms. As one Anti-Federalist stated, “We know that private interest governs mankind generally. Power belongs originally to the people; but if rulers be not well guarded, that power may be taken from them. People ought to be cautious in giving away power.”

One of the most important persons who opposed the Constitution was Patrick Henry. Henry was not opposed to a union of the thirteen states. However, he was concerned that the proposed Constitution lacked enough protection for state and individual rights. Henry was not alone in his desire for the protection of rights. His fears were echoed by others, including Thomas Jefferson. James Madison listened to his friends’ concerns over the lack of individual freedoms and protections from governmental power. (Schilling)

The debate continued and by June 1788, nine states ratified the Constitution. Although this was a good beginning, there were still states that were not willing to adopt

a new Constitution without amendments addressing individual rights and limiting governmental powers. James Madison, the chief architect of the Constitution, knew that he needed two key states – Virginia and New York – to ratify the Constitution in order for other states follow. Over the next critical months, Madison was convinced that a bill of rights would be necessary to satisfy the states claim to limit federal power and uphold individual rights. He came to believe that the acquisition of a bill of rights would have overall positive effects. Thomas Jefferson wrote to Madison that a bill of rights was “what the people are entitled to against every government of earth.” (Levy)

Madison’s role in the ratification of the Bill of Rights was critical. He worked to persuade the House to enact 17 amendments that would be added to the Constitution. By December 15, 1791, those 17 amendments had been decreased to 12 amendments and adopted by Congress. On December 15, 1791, the 10 amendments were ratified to the Constitution. We call these first 10 amendments to the Constitution the “Bill of Rights”. Madison wrote that the Bill of Rights was “what people are entitled to against every government on earth.” (Levy)

### **What is The Bill of Rights?**

The first 10 amendments to the Constitution make up the Bill of Rights. The architect to the Bill of Rights was James Madison. He cleverly responded to states objections to the Constitution by working tirelessly to appeal to Anti-Federal sentiments that the Constitution, as written, did not support individual rights or protect states from a national government. The Bill of Rights addresses specific prohibitions on the power of the federal government and enforces individual civil liberties. The Bill of Rights addresses the American people’s most important concerns by protecting individual freedoms and protection from the government and court system.

The idea of a bill of rights came from previous documents that supported the idea of individual liberties and protection from government. These documents include the Magna Carta, the Petition of Right, the English Bill of Rights, The Virginia Declaration of Rights, and the Massachusetts Body of Liberties. Madison recognized the difference between these past documents and the Constitutional Bill of Rights when he stated that “In Europe, charters of liberty have been granted by power. America has set the example . . . of charters of power granted by liberty.”

### **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.

The First Amendment clause pertaining to religion is referred to as the establishment clause and the free exercise clause. The clauses were added to the Constitution to secure religious liberty and prohibit the government from religious preference. The establishment clause “prevented the United States from doing what half the fourteen states then permitted –giving government aid to religion on a non-preferential basis. From a broader standpoint, the establishment clause was also meant to depoliticize religion, thereby defusing the potentially explosive condition of a religiously heterogeneous society. By separating government and religion the establishment clause enables such a society to maintain some civility among believers and unbelievers as well as among diverse believers. Above all, the establishment clause functions to protect religion from government, and government from religion.” (Levy)

The speech and press clauses of the First Amendment were adopted without much clarification from the framers of the Constitution. The substance and scope of its meaning became a stage for debate and discourse among the states. Madison said on the subject of speech or press that “We mean nothing more than this, that the people have a right to express and communicate their sentiments and wishes, we have provided for it already. The right of freedom of speech is secured; the liberty of the press is expressly declared to be beyond the reach of this Government.”

## 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.

The Second Amendment contains a preamble -- "A well regulated Militia being necessary to the security of a free-State," and thus has created problems about its meaning. Some believe that the function of the preamble is to restrict the right to bear arms strictly to members of the militia while others believe it includes individuals. When Madison was urging amendments to the Constitution he stated about the amendments, “They related 1<sup>st</sup> to private rights.” Later, Tench Coxe, a Federalist partisan, published an essay writing “because civil rulers might be tyrannical and the military might abuse its powers, a bill of rights would be helpful.” He identified that state militias were in fact “ourselves” and “the sword was not in the hands of the government, state or federal, but in the hands of the people”.

### 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.

The Third Amendment holds an important connection between the Second Amendment and the Fourth Amendment. Like the Second, the Third focuses on the “structural issue of protecting civilian property against the threat of an overbearing military. No standing army in peacetime can be allowed to dominate civilian society.” (Amar) To Americans, this was an experience that they lived through during the Revolution. The Third Amendment was needed to deal with military threats that could be caused by the Second Amendment that allowed for “the people” to arm themselves. The later Fourth Amendment also protects “houses” above and beyond all other buildings from needless intrusions and violations of their homes. Because of their connectedness, the Second, the Third and the Fourth Amendment are referred to as the Military...

### 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.

Before the American Revolution, people were not secure in their homes from the abusive powers of the British. British policies did not acknowledge the individual freedoms against unreasonable search and seizure. Americans felt deep resentment towards the British and their concern is what prompted the Fourth Amendment. The idea that “a man’s house is his castle” was a sentiment that began with the Magna Carta and was embraced by Americans.

“Any warrant that is vague about the persons, places, or things to be searched violates the specificity required by the command of the amendment” (Levy).

### 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.

The Fifth Amendment reflects procedures and rights of persons accused of a crime. The intention of this amendment extended from individual rights of a person accused of a crime, to civil proceedings, and finally to third parties who were called as a witness for the accused or the prosecution. This amendment is referred to as the self-incrimination clause and supports the protection that “no person shall be compelled to be a witness against himself.” The Fifth Amendment is familiar to most Americans because of the phrase “I plead the fifth”,

The Fifth Amendment “was part and parcel of the procedures that were so crucial, in the minds of the Framers, to the survival of the most treasured rights. One’s home could not be his castle, his property be his own, his right to express his opinions or to worship his God be secure, if he could be searched, arrested, tried, or imprisoned in some arbitrary or ignoble manner.” (Levy)

The Fifth Amendment consists of six different clauses; the Grand Jury Clause, The Double Jeopardy Clause, the Self-Incrimination Clause, the Due Process Clause, and the Eminent Domain Clause. With the exception of the Eminent Domain Clause, the Fifth Amendment provides guidelines and protections to court proceedings.

The Grand Jury Clause guarantees that Americans cannot be charged with a serious crime without the indictment of a Grand Jury. Grand Jury’s can investigate the evidence and subpoena witnesses to determine if there is enough evidence to bring the accused to trial. If the Grand Jury finds that there is enough evidence, they will inform the court to begin trial proceedings against the accused.

The Double Jeopardy Clause guarantees that Americans cannot be tried or punished twice for the same crime. The importance of this clause was recognized by the framers of the Constitution due to the abuses of the English court system. The courts would repeatedly try a citizen for the same crime until a verdict was reached that satisfied them. According to this clause, once a verdict is made, it is final and the accused cannot be tried again.

The Self-Incrimination Clause guarantees that Americans do not have to testify against themselves in criminal proceedings. The basis for this clause originated from circumstances in English history when people were tortured until they confessed to a crime. The clause protects Americans from forced or coerced confessions made under the pressure of the government.

The Due Process Clause guarantees that the government cannot take away your “life, liberty, and property” without the government following specific written procedures of the law. Due process refers to the procedures that follow someone’s arrest beginning with the accused being told their Miranda rights. The accused is protected against the

government making up laws and procedures as they go and they must first prove that you violated a written law.

The Eminent Domain Clause is also referred to as the “takings clause” and protects Americans from the government taking their private property without fair compensation. In early English history, it was common practice for the government to take away a person’s private property to use for public use without compensating the owner. Americans private property is protected under this amendment, unless the government can prove that the property is needed for the common good of the public. If this is proven, then the government is allowed to confiscate the property but must pay a fair price.

## 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.

The Sixth Amendment guarantees the rights of a person accused of committing a crime by the government. There are seven clauses under the Sixth Amendment; the right to a speedy trial, the right to a public trial, the right to be judged by an impartial jury, the right to be notified of the nature and circumstances of the alleged crime, the right to confront witnesses who will testify against the accused, the right to find witnesses who will speak in favor of the accused, the right to have a lawyer. These rights were important to include in the Sixth Amendment because they guaranteed that an accused person would have procedures in place to protect them from abuses by the government and the courts.

The Speedy Trial Clause guarantees that the accused will be tried quickly and not sit in jail for years without being heard in court. It also allows the accused to call on witnesses to their defense in a timely fashion.

The Right to a Public Trial Clause guarantees that the public can see and hear the evidence against the accused. Throughout English history, people were executed, unjustly imprisoned or tortured for things they didn't do in secret trials. The Sixth Amendment was created to protect people from being tried in a secret trial that was unfairly conducted by corrupt court officials using false evidence or no evidence at all. A public trial allows witnesses who may know something to come forward and discourages people from lying.

The Right to Trial by Jury Clause guarantees protection from prosecution by corrupt or impartial judges. The Sixth Amendment was established because the English government had a history of sentencing people to long prison terms, torturing innocent people and even killing people without due process. The Sixth Amendment protects people accused and allows them to be judged by a jury of their peers in an open courtroom. The Founding Fathers intention was to reduce corruption by taking the power out of the hands of a few judges and place it in the hands of average citizens.

The Arraignment Clause guarantees that you will be informed of the nature and the crime that you are accused. Arraignments must be specific and must include the charge, date, time and must specify the law that was violated. It was common practice in England for people to be sentenced for a crime and never know what crime they were charged.

The Confrontation Clause guarantees the accused the right to confront the witnesses who are testifying against them, requires that their accusers appear in court and make the accusations at a public trial with the accused present. The clause also protects the right of the accused to cross-examine the accuser. In England, false evidence and accusations was often allowed into court that could not be cross-examined or verified. By requiring witnesses to testify in court in front of the accused allowed the court to observe the witnesses demeanor and judge their credibility.

The Compulsory Process Clause protects your right to be able to call witnesses in your behalf and guarantees that the court will subpoena the witnesses if they refuse to testify. This protection is necessary to guard against unfair or unjust accusations in court. Without the ability to call witnesses in one's behalf, false accusations and testimony might seem truthful and a false conviction might occur. The Founding Fathers understood that people needed protection from government's abuse of power and resources to punish and convict people unfairly. They believed the right to defend oneself with witnesses was a vital protection.

The Right to Counsel Clause is thought to be the most important protection of the Sixth Amendment. The ability to be able to defend yourself in the court of law is "the bedrock of the American judicial system". The right to counsel guarantees your right to have a lawyer if you are charged with a crime.

## 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.

The Seventh Amendment protects an accused person of the right to have a trial by jury in a civil case and guarantees that the decision of the jury is final. The inclusion of the Seventh Amendment by the Founding Fathers protected Americans from unjust governmental laws and allowed jury's to look beyond a law and make a decision based on their belief of guilt or innocence.

#### Amendment VIII

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

The Eighth Amendment contains three clauses that protect against excessive bail, excessive fines and cruel and unusual punishment. The sentiment of the Eighth Amendment can be seen in protections made in the Magna Carta, the English Bill of Rights, and the Virginia Declaration of Rights. These earlier documents recognized the societal need to protect people from torture, imprisoning them indefinitely, and allowing the punishment to fit the crime.

The Excessive Bail Clause guarantees that a person accused of a crime would not have an unreasonable bail required for their release. This protection would allow the accused to leave jail to prepare a defense and continue working for financial security. It also protects the notion that people are presumed innocent until proven guilty by law.

The Excessive Fines Clause protects and prevents an accused from fines if they are found to be so excessive that it deprives someone of property with due process of the law.

The Cruel and Unusual Punishment Clause guarantees that the punishment must fit the crime. Cruel and unusual punishments have been regarded by courts as a punishment that would be so extreme that it would be rejected by society such as burning at the stake, beheading, castration, and torture. Although the death penalty might be regarded as a cruel punishment, courts have determined that this punishment is acceptable for the crime of murder.

#### Amendment IX

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

The Ninth Amendment serves as a protection to the people any rights not specifically listed or addressed in the Constitution. The purpose of this amendment is to make clear that the government cannot interfere with the natural rights of the American citizens and any right not mentioned in the Constitution is still protected and left to each individual and their state governments.

The Ninth Amendment also served the purpose of showing the Anti-Federalists that government would not infringe on individual freedoms and guarantee individual rights and liberties that were not specifically listed in the Constitution. James Madison recognized the importance of the Ninth Amendment to the Constitution when he spoke the words, "The exceptions here or elsewhere in the constitution, made in favor of particular rights, shall not be so construed as to diminish the just importance of other rights retained by the people; or as to enlarge the powers delegated by the constitution; but either as actual limitations of such powers, or as inserted merely for greater caution."

### 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.

The Tenth Amendment guarantees the rights of the States. The Constitution lists the powers of the Federal government and specifically addresses that all other powers are reserved to the States and the people. The intention of the Tenth Amendment is to guarantee the power of the States and to protect the States from abuses and powers by the central government.

### Objectives

I have created this unit to address the Delaware State Standards at the seventh grade level. By the end of the unit, my students should be able to understand the need for authority and the need to constrain its powers is fundamental in a constitutional democracy and the purpose of the state is the protection and promotion of the freedom of its citizens.

### Essential Questions

1. In what ways are citizens protected from the government? From each other?
2. What is the purpose of amending the constitution with the first ten amendments called the Bill of Rights?
3. How might shared rights lead to conflict between citizens or citizens and the government?

### Strategies

#### Blooms Taxonomy

The hierarchy of questioning through Blooms taxonomy is important for many reasons in my classroom. The use of sequential questioning, allows all my varied learners to find

success when learning new knowledge and concepts. I am able to create questions that bridge knowledge from remembering, to understanding, to applying, to analyzing, to evaluating, and eventually to my students creating. It provides the students with opportunities to think more critically and become active and engaged learners. Studies have shown that the use of these questioning techniques increases the knowledge that students retain.

### Cooperative Groupings

Cooperative groups will be used throughout the lessons in this unit. Students will work in pairs and small groups to research events and answer questions. Cooperative grouping allows my students to work with their peers and gain an understanding of other people's perspective. Research has shown that cooperative learning opportunities promote student learning and academic achievement, increase test scores, help develop social skills, increase self-esteem, and help students understand and relate to other people's culture.

### Vocabulary Development

Vocabulary opportunities and activities are necessary to provide opportunities for reading comprehension for my students. Throughout the unit, I will provide graphic organizers that reinforce vocabulary acquisition and comprehension. The students will create a vocabulary dictionary that lists new vocabulary that will be teacher and student generated. Each word will describe the words definition, provide a real life example of the word, and illustrate what the word looks like. This dictionary will be used by the students throughout the unit to support their reading when they are researching historical events and current events and provide guidance in lesson activities.

### Graphic Organizers

Graphic organizers are tools that provide students with guidance that help to focus and support their learning. Students will be asked throughout this unit to use teacher generated graphic organizers that are specific to lesson activities. They will also be given the opportunity to create their own graphic organizers when they are researching using primary and secondary sources. Graphic organizers are shown to help all level of learners gain and organize new knowledge.

Graphic organizers also support various learning style. "Many students are visual learners, thus, a visual approach to brainstorming or organizing information is essential. Graphic organizers appear to be a valued approach to utilize in teaching and learning. Students are required to think in multiple directions when using graphic organizers which makes learning an active and meaningful process. Organizers help students generate mental images to go along with information and create graphic representations for information. Graphic organizers are called a variety of

names, including knowledge maps, story maps, concept maps, mind maps, cognitive organizers, advance organizers, or concept diagrams.” (2012)

## **Classroom Activities**

### **Lesson One – Constitution**

In what ways are citizens protected from each others, the government, and the court systems? What are the functions of the three branches of government? How does the separation of powers lead to majority rule?

**Anticipatory Set:** I will show a variety of passages from the Federalists papers and the Anti-Federalists opinions. I will ask the students the students what they think the subject is about and who or what we may be learning. Create a list of their responses.

**Direct Instruction:** Tell the students that they will be reading about to two different viewpoints concerning the ratification of the Constitution. The students should focus on the reasons why some people opposed ratification while others supported ratification of the Constitution. Provide a graphic organizer for the students and highlighters. Provide half of the class a copy of the Federalists papers and the other half a copy of the Anti-Federalists opinions. Tell your students highlight reasons while they read. They should record their answer onto their graphic organizer. Allow the students to create expert cooperative groups and share their responses with each other. Remind students to record answers onto their graphic organizer that they might have obtained while in their expert groups.

**Activity:** Tell the students that they will become historical figures in American history. Give the students a choice of becoming James Madison or Alexander Hamilton for the Federalists and a choice of becoming Samuel Adams or Patrick Henry for the Anti-Federalists. Provide a graphic organizer that allows them to identify the major reasons for or against ratification. Tell the students that they will be presenting their opinion as a historical figure. Allow the student’s time to organize their ideas and present their opinion.

**Assessment:** Ask the student to show the two opposing viewpoints of the ratification of the Constitution. The students should be asked to use primary sources to show these opposing viewpoints.

### **Lesson Two – Bill of Rights**

What is the purpose of amending the Constitution with the Bill of Rights? Which amendment protects individual rights and protection from the government and court system? How might common good outweigh individual rights?

Anticipatory Set: I will provide a copy of the handbook of the Constitution to my students. I will ask them to find and identify the three sections of the Constitution – The Preamble, the Articles, and the Amendments. The students will record this information onto their graphic organizer. I will ask them to identify some key terms used in the different sections of the Constitution that they have seen or heard before. Together, we will record this information onto their graphic organizers. The students will then begin a scavenger hunt using identifying key terms used in the Preamble, the Articles, and the Amendments. As a group, they will create an acrostic showing the key terms.

Direct Instruction: The students will identify and interpret the purpose and meaning of The Preamble, the Articles, and the Amendments. I will ask the students to read and interpret the preamble in their own words. The students will be given a copy of the Articles of the Constitution. Using expert groupings, they will use a graphic organizer to show the three branches of government and identify their functions. The students can then share their expert knowledge with their group. Lastly, they will use a copy of the Bill of Rights to identify and categorize which amendments protect individual rights, protect us from the courts, and protect us from our government.

Activity: Using the internet, ask the students to research and find real life examples our Constitution at work today. Tell the students that their examples must summarize the article, show whose rights were violated, what was the circumstance of the violation, which amendment was violated, and when did the event occur. The students will record their information onto a graphic organizer and later a slideshow. Encourage the students to use illustrations that support their research.

Assessment: Ask the students to write a persuasive paper arguing in favor of individual rights using their research as a primary source.

### Lesson Three – Interpreting the Bill of Rights

How might shared rights lead to conflict between citizens or citizens and the government? Why might people disagree about the meaning of our protections in the amendments to the Constitution? How might landmark court cases reflect American beliefs and values?

Anticipatory Set: Write on the board rights and responsibility. Working in groups, ask the students to provide a definition and example for each word. Let the students share

their responses and record them on a piece of chart paper. Show the students the definition of right and responsibility. Ask students to make changes to their examples.

**Direct Instruction:** Share with the students a copy of the Supreme Court decision of *Korematsu v. United States*. Show the student's primary source pictures of Japanese Internment Camps and ask them what they think is happening in the pictures. Briefly explain the history of the Japanese Internment Camps stressing the violation of rights to Japanese Americans. Divide the class into groups and provide one concurring and dissenting opinion of the Supreme Court case. Using a graphic organizer, ask the students to record both opinions.

**Activity:** Tell the students to research a Landmark Supreme court case from a list including; *Kelo v. New London* (2005), *Miranda v. Arizona* (1966), *Morse v. Frederick* (2007), *Santa Fe Independent School District v. Doe* (2000), *Gideon v. Wainwright* (1963) and *District of Columbia v. Heller* (2008). Provide them with a graphic organizer that highlights the name of the case, the Constitutional issue, the amendment addressed, the Supreme Court decision. **Assessment:** Write a letter to the teacher explaining how they would have decided in the Landmark Supreme court case that they researched.

## **Resources**

January 29, 2012.

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**Curriculum Unit  
Title**

Our Bill of Rights

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**KEY LEARNING, ENDURING UNDERSTANDING, ETC.**

The Bill of Rights protects our individual rights, protects against abuse of power, and protects the accused.

**ESSENTIAL QUESTION(S) for the UNIT**

How does the Bill of Rights reflect our American values and beliefs in individual freedom, justice, and equal rights?

**CONCEPT A**

**CONCEPT B**

**CONCEPT C**

Constitution

Bill of Rights

Interpreting the Amendments

**ESSENTIAL QUESTIONS A**

**ESSENTIAL QUESTIONS B**

**ESSENTIAL QUESTIONS C**

1. In what ways are citizens protected from each others, the government, and the court systems?
2. What are the functions of the three branches of government?
3. How does the separation of powers lead to majority rule?

1. What is the purpose of amending the Constitution with the Bill of Rights?
2. Which amendment protects individual rights and protection from the government and court system?
3. How might common good outweigh individual rights?

1. How might shared rights lead to conflict between citizens or citizens and the government?
2. Why might people disagree about the meaning of our protections in the amendments to the Constitution?
3. How might landmark court cases reflect American beliefs and values?

**VOCABULARY A**

**VOCABULARY A**

**VOCABULARY A**

Constitution	Preamble	ratify
Government	legislature	executive
Judiciary	Federalists	Anti-Federalists
Federal Government		

Amendments  
 Bill of Rights  
 Liberty  
 Freedom  
 Individual rights

Case	Supreme Court	concurring opinion
Dissenting opinion		right
Responsibility	plaintiff	defendant
Remand	affirm	reverse
vacate		