

## LESSON THREE

# THE UNITED STATES BILL OF RIGHTS

### Founding Principles Found in this Lesson

Federalism  
Inalienable Rights  
Liberty  
Limited Government  
Private Property

### Overview

The addition of the Bill of Rights to the Constitution was celebrated as a victory for the champions of individual liberty. But for the Bill of Rights to remain more than what Madison referred to as a “parchment barrier,” citizens must understand the purpose, content, and meaning of this important American document. In this lesson, students will identify and analyze the protections in the Bill of Rights, as well as evaluate Supreme Court decisions in cases centered on Bill of Rights protections.

***[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.***

–Thomas Jefferson, December 20, 1787

***The Framers of the Bill of Rights did not purport to “create” rights. Rather, they designed the Bill of Rights to prohibit our Government from infringing rights and liberties presumed to be pre-existing.***

–Justice William J. Brennan, Jr.,  
February 28, 1990

### Critical Engagement Question

How does the Bill of Rights protect liberty?

### Objectives

Students will:

- Identify the rights protected in the Bill of Rights.
- Understand that government power must be limited to protect individual rights.
- Analyze and apply provisions of the Bill of Rights through guided scenarios.
- Evaluate Supreme Court rulings on cases centered on the Bill of Rights.
- Appreciate the importance of the Bill of Rights in safeguarding individual liberty.

## Materials

*Handouts may have two versions. Version 1 is at a higher level than Version 2.*

- **Handout A:** The United States Bill of Rights
- **Handout B:** What Rights Are Protected by the Bill of Rights? (Versions 1 and 2)
- **Handout C:** You Be the Judge! (Versions 1 and 2)
- **Handout D:** Outcome Discussion Cards (Versions 1 and 2)
- **Handout E:** The Bill of Rights Today
- **Handout F:** Mock Supreme Court Procedures
- **Handout G:** The Bill of Rights Song

## Time

Two fifty-minute class periods

Background/Homework 10 minutes the day before

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Have students read **Handout A: The United States Bill of Rights** and complete **Handout B: What Rights are Protected by the Bill of Rights? (Version 1 or 2)**.

Warm-Up 10 minutes

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Have students discuss their answers to **Handout B: What Rights are Protected by the Bill of Rights? (Version 1 or 2)** in pairs.

Activity 70 minutes

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- A. Divide students into eight groups and distribute **Handout C: You Be the Judge! (Version 1 or 2)**.
- B. Assign one scenario to each group and instruct students to read and discuss their scenario. They should then discuss and answer the questions at the end. Allow groups about 10 minutes to complete this part of the activity.
- C. Once all groups have finished, reconvene the class and ask the members of the group that worked with Scenario 1 to read their situation to the class and report their answers.
- D. As a large group, locate the rights/amendments in the Bill of Rights involved with each scenario.
- E. Conduct a class vote to determine which side of the argument students agree with in the scenario. Record the results of the vote on the board.
- F. Continue until all scenarios have been presented.

Wrap-Up 20 minutes

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- A. Distribute the cards on **Handout D: Outcome Discussion Cards (Version 1 or 2)** to students who are strong readers. Point out to students that the fictional scenarios they just discussed were all based on actual Supreme Court cases. Have them read the Supreme Court rulings for each scenario and allow class discussion on each.
- B. Make sure to emphasize to students that Supreme Court rulings are not substitutes for the Constitution's text. The Court often overturns itself, and all citizens have the responsibility to evaluate their rulings in light of the Constitution.
- C. Ask students if they agree with the Court's rulings. How would they use the Bill of Rights to support their opinions? Conduct a large group discussion to answer the questions:

1. How does the Bill of Rights protect liberty?
2. At their core, what do the protections in the Bill of Rights have in common?
3. Why must government power be limited to protect individual rights?

## Homework

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- A. Distribute **Handout E: The Bill of Rights Today**. Have students research news stories that illustrate the individual rights and protections guaranteed by the Bill of Rights. Students could begin by searching the Teaching with Current Events pages on [www.BillofRightsInstitute.org](http://www.BillofRightsInstitute.org). Students should locate at least four examples and complete the graphic organizer to summarize the stories and draw connections to their lives.
- B. Have students discuss the Bill of Rights with their families and write a paragraph about the discussion.

## Extensions

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- A. Using **Handout F: Mock Supreme Court Procedures**, have students hold a Mock Supreme Court hearing using either the *Kelo v. New London* (2005) property rights case or the *Safford Unified School District # 1, et al. v. Redding* (2008) search and seizure case. Information on the cases can be found at [www.Law.Cornell.edu](http://www.Law.Cornell.edu).
- B. Have students learn **Handout G: Bill of Rights Song** (to the tune of “The Twelve Days of Christmas”).

# THE UNITED STATES 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.

*Freedom of speech, religion,  
the press and the right to  
assembly and petition*

## 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.

*Your Right to Keep and Bear  
Arms*

## 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.

*Quartering (Housing) of  
Soldiers*

## 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.

*Search and Seizure  
Restrictions*

## 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.

*Your Rights in a Criminal  
Case*

## 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.

*Your Rights to a Fair Trial*

# THE UNITED STATES BILL OF RIGHTS

## 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.

*Your Rights in a Civil Case*

## Amendment VIII

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

*Bails, Fines, and Punishments*

## Amendment IX

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

*Rights Held 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.

*Power Held by the States and the People*

# WHAT RIGHTS ARE PROTECTED BY THE BILL OF RIGHTS? 1

**Directions:** As you read the Bill of Rights, think about seven to ten of the rights protected in the in the entire document. Write the specific right in the left column and explain why you think it was included in the Bill of Rights in the right column.

A right that must be protected is...	Because ...
1	
2 Right to bear arms	
3	
4	
5	
6 Right to a speedy and public trial	
7	
8 No cruel or unusual punishment	
9	
10	

# WHAT RIGHTS ARE PROTECTED BY THE BILL OF RIGHTS? **2**

**Directions:** As you read the Bill of Rights, think about five of the rights protected in the in the entire document. Write the specific right in the left column and explain why you think it was included in the Bill of Rights in the right column.

A right that must be protected is...	Because ...
1	
2      Right to bear arms	
3	
4      No cruel or unusual punishments	
5	

# YOU BE THE JUDGE 1

**Directions:** Read and discuss your assigned scenario below. Along with your group members, refer to **Handout A: The United States Bill of Rights** to identify which protection(s) and amendment(s) are called into question. Then address the constitutional issue in the second question.

## SCENARIO 1

Mary saved for and bought a piece of land outside an Iowa town. She wanted to build a home on the land. Mary applied for a building permit and found out that the Iowa legislature recently passed a law preventing further construction on land designated as “protected wetlands.” Her land, it turns out, was designated as “protected wetlands,” and she was denied a building permit for any future building on the property.

A. What protection(s) and amendment(s) are involved?

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B. Should the State of Iowa pay Mary for the inability to use her land?

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## SCENARIO 2

The student body of Lakewood High School, a public school, took a vote. By a vast majority, they voted to conduct a student-led prayer over the public address system of their football stadium before the kick-off of each home game. They elected Paul, the student-body president, to conduct the non-denominational prayer. Jane, an atheist, objected. She was neither required to participate, nor punished for refusing. Nonetheless, Jane believed the public prayer itself to be unconstitutional.

A. What protection(s) and amendment(s) are involved?

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B. Should the students of Lakewood High School be allowed to vote on a prayer to be read publicly at games?

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# YOU BE THE JUDGE 1

## SCENARIO 3

Benny has been found guilty of a heinous crime: attacking and killing his boss in a fit of rage. In the sentencing phase of his trial, Benny's lawyers produced two psychologists who testified to the fact that Benny was, in fact, mentally retarded. Benny's lawyers and psychologists argued that the jury should not be allowed to assign the death penalty as punishment for Benny's crimes. It was quite probable, the psychologists testified, that Benny did not fully understand the outcome of his actions, and while this fact does not absolve him of punishment, he should not be put to death.

A. What protection(s) and amendment(s) are involved?

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B. Should the jury be allowed to assign the death penalty as punishment for Benny's crime?

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## SCENARIO 4

Kate and Jim were ardent followers of the Amish faith, and, following Amish doctrine, did not wish to enroll their children in school beyond the 8<sup>th</sup> grade. Their state legislature, however, had passed a law requiring all children to attend school until age 16. Such a law, Kate and Jim believed, violated the duties required of them as an Amish family, and they refused to comply with the law. The state prosecuted and punished Kate and Jim for violating the law and refusing to send their children to school.

A. What protection(s) and amendment(s) are involved?

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B. Should Kate and Jim be prosecuted for refusing to send their children to school?

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# YOU BE THE JUDGE 1

## SCENARIO 5

Darren was arrested on suspicion of kidnapping and rape. He was taken to the police station, where the victim picked Darren out of a lineup. An officer pointed to a woman in the police station and asked if she was the victim. Darren told them, “Yeah, that’s her.” The police then took him to an interrogation room where he was questioned for two hours. He verbally confessed to the crime, and signed a written statement, prepared by the police, admitting his guilt. Darren’s confession included a statement that he was aware of his rights, and that any statements he made could be used against him. However, the police made little effort throughout the interrogation to allow Darren access to a lawyer, or generally notify him of his rights.

A. What protection(s) and amendment(s) are involved?

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B. Should Darren’s confession be allowed as evidence at trial?

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## SCENARIO 6

Elaine, a respected physician in the community, was accused of murdering her husband, Adam. Elaine continually maintained her innocence in Adam’s death. The murder trial was a media sensation—reporters were in the courtroom, and were even assigned seats between the jurors and the defendant. The story was all over the local and state press for weeks. Editorials demanded a guilty verdict. The jury was not sequestered and had access to the media coverage. Elaine was found guilty. After her conviction, Elaine claimed that the extensive media coverage tainted her prosecution, and led to an unfair guilty verdict. She appealed her conviction, arguing that the media coverage biased the opinions of those in her community, requiring that her guilty verdict be overturned.

A. What protection(s) and amendment(s) are involved?

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B. Should Elaine’s conviction for Adam’s murder be overturned?

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# YOU BE THE JUDGE 1

## SCENARIO 7

Sara, a public high school student, was caught smoking cigarettes in the school bathroom. The teacher who caught Sara took her to the principal's office, where a school official questioned her about whether she was smoking in the bathroom. She denied it. The principal, not believing her story, decided to take further action by looking into Sara's purse. He found a pack of cigarettes as well as a bag of rolling papers commonly associated with drug use. The official then decided to thoroughly search Sara's purse. He discovered a bag of marijuana and various papers that seemed to indicate that Sara was dealing marijuana. He placed Sara on suspension and called the police.

A. What protection(s) and amendment(s) are involved?

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B. Was it appropriate for the school official to examine the contents of Sara's purse?

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## SCENARIO 8

Matt was a prominent leader of the Ku Klux Klan. At a Klan rally, Matt advocated support for the Klan ideal of "white power." He gave a speech full of racial epithets. He also said, in an apparent threat, "If our President, our Congress, our Supreme Court, continues to suppress the white, Caucasian race, it's possible that there might have to be some revenge taken." He was afterwards arrested for violating a state law that prohibited the advocacy of crime, sabotage, or violence as a means of accomplishing political reform. The law also prohibited the gathering of any society or group formed to teach or advocate such messages. Matt was fined \$1,000 and sentenced to ten years in prison.

A. What protection(s) and amendment(s) are involved?

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B. Should Matt have been arrested for his advocacy of, and rally for, Klan ideals?

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HANDOUT C  
**YOU BE THE JUDGE 2**

**Directions:** Read and discuss your assigned scenario below. Along with your group members, refer to **Handout A: The United States Bill of Rights** to identify which protection(s) and amendment(s) are called into question. Then address the constitutional issue in the second question.

**SCENARIO 1**

Mary saved for and bought a piece of land outside an Iowa town. Mary wanted to build a home on the land. Mary applied for a building permit. The government agency told her that there was a new law that says that she could not build on the land, because it is “protected wetlands.” They did not give her the permits, and she was not be able to build anything on the land.

A. What protection(s) and amendment(s) are involved?

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B. Should the State of Iowa pay Mary because they will not let her use her own land?

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**SCENARIO 2**

The students at Lakewood High School took a vote. The majority voted to have a student-led prayer announced publicly before each home football game. Paul was chosen to lead the prayer. Jane, an atheist, objected. She did not have to participate. She was not punished if she refused. But she believed that prayer at public schools events was against the Constitution.

A. What protection(s) and amendment(s) are involved?

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B. Should the government be able to stop students at the high school from voting to have public prayer at the games?

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# YOU BE THE JUDGE **2**

## SCENARIO 3

Benny was found guilty of a terrible crime. He attacked and killed his boss. During the trial, Benny’s lawyers found two psychologists who said that Benny was mentally retarded. Benny’s lawyers said that the jury should not be able to give the death penalty for Benny’s crimes. The psychologists said that it was probable that Benny did not really understand his actions. Benny’s lawyers said that his retardation did not make him innocent, but it did mean that he should not be put to death.

A. What protection(s) and amendment(s) are involved?

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B. Should the jury be allowed to give Benny the death penalty?

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## SCENARIO 4

Kate and Jim were Amish. According to the Amish religion, children should not go to school past the 8<sup>th</sup> grade. But the state in which they lived had a law that said that all children must go to school until age 16. Kate and Jim said that the law violated their religious beliefs, and they refused to send their children to school. The state government punished Kate and Jim for breaking the law and refusing to send their children to school.

A. What protection(s) and amendment(s) are involved?

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B. Should Kate and Jim be punished for not sending their children to school?

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# YOU BE THE JUDGE 2

## SCENARIO 5

Darren was arrested for kidnapping and rape. He was taken to the police station and the victim picked Darren out of a group of people. A police officer pointed to a woman and asked Darren if she was the victim. Darren said yes. The police then took him and questioned him for two hours. During this time, he confessed to the crime and signed a document confessing his actions. The document said that Darren knew his rights and that his statements could be used against him. However, the police did not try very hard to get Darren a lawyer or tell him his rights.

A. What protection(s) and amendment(s) are involved?

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B. Should the confession (document) be allowed as evidence in his trial?

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## SCENARIO 6

Elaine was a respected doctor in her community. She was accused of murdering her husband. Elaine said that she was innocent. The trial had a lot of news reporters in the courtroom. Many people in the media (TV, newspapers) said that Elaine was guilty. The jury was not separated from the public and saw news reports. Elaine was found guilty. After the trial, Elaine said that the media affected the opinions of the jury. She appealed (asked another judge to review errors in her trial) and said that the media influenced the jury's decision. She said that she should not be found guilty.

A. What protection(s) and amendment(s) are involved?

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B. Should Elaine's guilty verdict stand?

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# YOU BE THE JUDGE 2

## SCENARIO 7

Sara was a public high school student. She was caught smoking in the school bathroom. The teacher who caught Sara took her to the principal's office. A school official asked if she had been smoking in the bathroom, and Sara said no. The principal did not believe her, so the principal looked in her purse. He found cigarettes and a bag of rolling papers that are commonly connected to drug use. He then decided to completely search Sara's purse. He found a bag of marijuana and other papers. It looked like Sara was selling marijuana in school. The principal suspended Sara and called the police.

A. What protection(s) and amendment(s) are involved?

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B. Was it constitutional for the school official to search Sara's purse?

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## SCENARIO 8

Matt was a leader of the Ku Klux Klan. At a KKK event, Matt supported the Klan's idea of "white power." He gave a very racist speech. He also said that if the government restricts the white (Caucasian) race, some people might take revenge. He was arrested for breaking a law that prohibited the public support of a crime and/or violence for political change. The law also stopped any group with similar ideas from publicly gathering. Matt was fined \$1,000 and was sentenced to jail for ten years.

A. What protection(s) and amendment(s) are involved?

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B. Should Matt be arrested for speech and actions at the KKK gathering?

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**SCENARIO 1**

**Court Ruling:** In *Lucas v. South Carolina Coast Council* (1992), the Supreme Court ruled that Lucas must be justly compensated for residential land that he had purchased in 1986. Lucas was prevented from constructing “habitable structures” under a 1988 South Carolina law designed to prevent erosion and destruction of the State’s barrier islands, where Lucas owned his land. The Court declared that “when the owner of real property has been called upon to sacrifice all economically beneficial uses in the name of the common good...he has suffered a taking...” and must be justly compensated as required by the Fifth Amendment.

***Did the Court make the right decision?  
Why or why not?***

**SCENARIO 2**

**Court Ruling:** In *Santa Fe Independent School District v. Doe* (2000), the Supreme Court ruled that the school district had violated the Establishment Clause of the First Amendment by a policy authorizing, via a vote of the student body, a student-led, student-initiated prayer over the public address system prior to a football game. The school policy made the prayer “public speech,” because it took place on government property, with government approval, at a government-sponsored event. “[T]he realities of the situation plainly reveal that [the district’s] policy involves both perceived and actual endorsement of religion.” The Court noted that the voting process did not make the prayer permissible. In fact, the vote caused religious coercion of the minority by the majority.

***Did the Court make the right decision?  
Why or why not?***



**SCENARIO 3**

**Court Ruling:** In *Atkins v. Virginia* (2002) the Supreme Court ruled that the execution of mentally retarded individuals constituted “cruel and unusual punishment.” The Court reasoned that since many states have discounted death as an appropriate punishment for the mentally retarded, due to their lessened accountability, an ‘evolving standard of decency’ dictated that it be deemed a violation of the Eighth Amendment. “[W]e therefore conclude that such a punishment is excessive and that the Constitution places a substantive restriction on the state’s power to take the life of a mentally retarded offender.”

***Did the Court make the right decision?  
Why or why not?***

**SCENARIO 4**

**Court ruling:** In *Wisconsin v. Yoder* (1972), the Supreme Court determined that the Wisconsin law mandating public school attendance until age sixteen violated the Exercise Clause by punishing those who chose not to send their children to school for religious reasons. The Court ruled that the individual right to free exercise of religion outweighed the state’s interest in ensuring that school children received what the state deemed a proper education, and that the values and curriculum of the public school setting were “in sharp conflict with the fundamental mode of life mandated by the Amish religion.”

***Did the Court make the right decision?  
Why or why not?***

## SCENARIO 5

**Court ruling:** In *Miranda v. Arizona* (1966), the Supreme Court ruled that police had to notify the accused of their rights to counsel and freedom from self-incrimination prior to any criminal interrogation. Further, the Court barred prosecutors from using any evidence obtained during illegal interrogation against defendants at trial. “The modern practice of in-custody interrogation is psychologically rather than physically oriented” and “the blood of the accused is not the only hallmark of an unconstitutional inquisition.”

***Did the Court make the right decision? Why or why not?***

## SCENARIO 6

**Court Ruling:** In *Sheppard v. Maxwell* (1966), the Court ruled that the pre-trial publicity, as well as the behavior of the media during the trial itself, had so biased the jury that jurors were rendered incapable of providing a fair and impartial decision. “Due process requires that the accused receive a trial by an impartial jury free from outside influences.” The Court reasoned that while the press plays an important role in the preservation of a “public” trial, it cannot be so intrusive that it fundamentally prevents the administration of justice. The Court noted that Sheppard’s trial judge should have taken measures to “place the interest of justice first,” ahead of the demands of the news media.

***Did the Court make the right decision? Why or why not?***

**SCENARIO 7**

**Court ruling:** In *New Jersey v. T.L.O.* (1985), the Supreme Court ruled that the search and seizure was constitutional and did not violate the student's Fourth Amendment rights. The Court decided that a lighter standard of "reasonableness" could be applied (as opposed to the "probable cause" the Fourth Amendment requires for search warrants to be issued) due to the nature of the school environment. "The initial search for cigarettes was reasonable ... the discovery of the rolling papers then gave rise to a reasonable suspicion that respondent was carrying marijuana ... and this suspicion justified the further exploration that turned up more evidence of drug-related activities."

***Did the Court make the right decision?  
Why or why not?***

**SCENARIO 8**

**Court ruling:** In *Brandenburg v. Ohio* (1969), the Supreme Court ruled that Ku Klux Klan leader Brandenburg's right to free speech had been violated by an Ohio law that sought to criminalize public speech that advocated "crime, sabotage, violence ... as a means of accomplishing ... political reform." In its ruling, the Court applied a two-part test, allowing such speech to be prohibited only if it is (a) "directed at inciting or producing imminent lawless action," and (b) "likely to incite or produce such action." The Court reasoned that since Ohio's law made the mere advocacy and teaching of such doctrine illegal without taking into consideration whether the speech would actually lead to "imminent lawless action," the law was too broad and criminalized speech in a manner that violated the First Amendment.

***Did the Court make the right decision?  
Why or why not?***

**SCENARIO 1**

**Court Ruling:** In *Lucas v. South Carolina Coast Council* (1992), the Supreme Court said that Lucas must be compensated (paid) for land he bought in 1986. Lucas could not build anything because of a 1988 South Carolina law banning construction on beach-front property. Lucas lost the value of his property because of a government restriction. Therefore, the state had to compensate Lucas.

***Did the Court make the right decision?  
Why or why not?***

**SCENARIO 2**

**Court Ruling:** In *Santa Fe Independent School District v. Doe* (2000), the Supreme Court said that the school district violated the First Amendment through its policy of allowing students to vote on whether to pray. The policy made the prayer “public speech” on government property and at a government-sponsored event. This showed government support of a religion. The Court also said that the voting did not make the prayer ok. Voting provides for the majority to rule, but one purpose of the First Amendment was to protect the rights of individuals from majorities.

***Did the Court make the right decision?  
Why or why not?***

**SCENARIO 3**

**Court Ruling:** In *Atkins v. Virginia* (2002) the Supreme Court said that putting mentally retarded people to death was “cruel and unusual punishment.” The Court noted that many states have stopped the death penalty for mentally retarded people, who do not have the same accountability for their actions. The Court said that the punishment was too extreme and that the Constitution restricted the power of the state to execute a mentally retarded person.

***Did the Court make the right decision?  
Why or why not?***

**SCENARIO 4**

**Court Ruling:** In *Wisconsin v. Yoder* (1972), the Supreme Court said that the law to make all children go to school until age 16 violated the Free Exercise Clause of the First Amendment because it punished people who did not send their children to school for religious reasons. The Court said the individual freedom of religion was stronger than the state’s idea of a proper education. The values and practices of the school system were in conflict with the way of life required in the Amish religion.

***Did the Court make the right decision?  
Why or why not?***

**SCENARIO 5**

**Court Ruling:** In *Miranda v. Arizona* (1966), the Supreme Court said that police had to tell accused people about their right to a lawyer and right to remain silent before any interrogation. If police did not tell accused people their rights, they could not use evidence against them from the interrogation. They said that interrogations are often scary and people being questioned may feel like they are being forced to confess.

***Did the Court make the right decision?  
Why or why not?***

**SCENARIO 6**

**Court Ruling:** In *Sheppard v. Maxwell* (1966), the Supreme Court said that news before the trial and the actions of the media during the trial had affected the jury. The jury was not able to make a fair and impartial decision; therefore, the guilty verdict against Dr. Sam Sheppard for murdering his wife could not stand. Sheppard received a new trial in which he was found innocent. The Court said that the media was important. However, the media could not intrude and harm the right of accused persons to a fair trial. The Court also said that the trial judge should have acted to protect the judicial process

***Did the Court make the right decision?  
Why or why not?***

**SCENARIO 7**

**Court Ruling:** In *New Jersey v. T.L.O.* (1985), the Supreme Court said that searching the girl's purse did not violate the Constitution's Fourth Amendment. The Fourth Amendment meant that public school officials could search students if they had "reasonable suspicion" of wrong-doing. In the *T.L.O.* case, strong cigarette smoke made it reasonable to suspect the student was smoking. The presence of rolling papers made it reasonable to suspect drug use, and the full search of her purse was reasonable.

***Did the Court make the right decision?  
Why or why not?***

**SCENARIO 8**

**Court Ruling:** In *Brandenburg v. Ohio* (1969), the Supreme Court said that Ohio had violated the Ku Klux Klan leader's right to free speech. The Court used a two-part test. They said that speech was illegal only if (a) it encouraged illegal actions AND if (b) it was likely to cause illegal actions to happen right away. The Court said that the Ohio law was too general and violated the free speech rights of citizens protected by the First Amendment.

***Did the Court make the right decision?  
Why or why not?***

HANDOUT E

# THE BILL OF RIGHTS TODAY

**Directions:** Complete the graphic organizer below by locating news articles about issues related to the Bill of Rights today. Begin by searching the Teaching with Current Events pages at [www.BillofRightsInstitute.org](http://www.BillofRightsInstitute.org). You may use other newspapers and periodicals. Attach article or printouts to this page.

Headline / Topic of Article	Summary of Article	Related Amendment	Ways this Issue Might Touch My Life



# MOCK SUPREME COURT PROCEDURES

## Preparation

- Encourage students to use the background knowledge they have developed. Attorneys and Justices of the U.S. Supreme Court apply a great deal of background and historical knowledge.
- Caution students that “gotcha” questions within the classroom context are not productive. “Justices” should not ask questions that, based on their background and class activities, would not be fair game.
- Decide whether students will be allowed to use online resources via their smartphones during the exercise—there are good arguments both for using and for not using them.
- Recommendation—do not allow “Justices” to interrupt the attorneys in the first time or two that you run moot courts. They can ask their questions at the end of each attorney’s oral arguments.
- Encourage teamwork among “attorneys” in their presentations. Each team should have a lead attorney, but others will help fill in as needed.

## Divide class into 3 groups

*(Note: A fourth group could be journalists.)*

- 9 Justices
- Advocates for petitioner
- Advocates for respondent

## Procedure

- Give time for planning: Justices decide what questions they want answered in oral arguments; advocates for each side plan their oral arguments.
- Allow equal time for presentation of each side, including interruptions from Justices (or not—your choice). In the U.S. Supreme Court, each side has 30 minutes, and the Justices interrupt continuously.
- Justices deliberate and announce decision. Deliberation is actually done in strict privacy in the U.S. Supreme Court conference, but you decide for your class.

**At the beginning of each session of the Supreme Court**, the Marshal of the Court (Court Crier) announces:

“Oyez! Oyez! Oyez! All persons having business before the Honorable, the Supreme Court of the United States, are admonished to draw near and give their attention, for the Court is now sitting. God save the United States and this Honorable Court!”

The Chief Justice will begin the oral argument phase by saying, “Petitioner, you may begin.”

The petitioner’s attorney says, “Mr. Chief Justice, and may it please the Court...”

**Debrief:** Discuss both the content of the case (constitutional principles and its application) and the processes employed. Consider thinking and planning process, civil discourse process, and the application of these skills outside the classroom.

## HANDOUT G

# THE BILL OF RIGHTS SONG

*(Sung to the tune of "The Twelve Days of Christmas")*

The First Amendment guarantees religion, speech, and press  
Petition and assembly, too.

The Second Amendment guarantees a right to bear arms,  
Religion, speech, and press,  
Petition and assembly, too.

The Third Amendment guarantees no quartering of troops,  
A right to bear arms,  
Religion, speech and press,  
Petition and assembly, too.

The Fourth Amendment guarantees a warrant for a search,  
No quartering troops,  
A right to bear arms,  
Religion, speech and press,  
Petition and assembly, too.

The Fifth Amendment guarantees DUE PROCESS RIGHTS!  
Warrant for a search,  
No quartering troops,  
A right to bear arms,  
Religion, speech and press,  
Petition and assembly, too.

The Sixth Amendment guarantees a fair and speedy trial.  
DUE PROCESS RIGHTS!  
Warrant for a search,  
No quartering troops,  
A right to bear arms,  
Religion, speech and press,  
Petition and assembly, too.

The Seventh Amendment guarantees a jury if you're sued.  
Fair and speedy trial,  
DUE PROCESS RIGHTS!  
Warrant for a search,  
No quartering troops,  
A right to bear arms,  
Religion, speech and press,  
Petition and assembly, too.

HANDOUT G

## THE BILL OF RIGHTS SONG (CONT.)

*(Sung to the tune of "The Twelve Days of Christmas")*

The Eighth Amendment guarantees no cruel punishment.

A jury if you're sued,  
Fair and speedy trial,  
DUE PROCESS RIGHTS!  
Warrant for a search,  
No quartering troops,  
A right to bear arms,  
Religion, speech and press  
Petition and assembly, too.

The Ninth Amendment guarantees our unlisted rights.

No cruel punishment,  
A jury if you're sued,  
Fair and speedy trial,  
DUE PROCESS RIGHTS!  
Warrant for a search,  
No quartering troops,  
A right to bear arms,  
Religion, speech and press  
Petition and assembly, too.

(Slower on this final verse)

The Tenth Amendment guarantees power to the states.

Our unlisted rights,  
No cruel punishment,  
A jury if you're sued,  
Fair and speedy trial,  
DUE PROCESS RIGHTS!  
Warrant for a search,  
No quartering troops,  
A right to bear arms,  
Religion, speech and press  
Petition and assembly, too.

## HANDOUT H

# GLOSSARY

**Amendment:** A change or an addition (to the Constitution).

**Anti-Federalists:** People who opposed the Constitution as written in 1787.

**Bill of Rights:** The first 10 amendments to the Constitution that protect the individual rights of citizens.

**Constitution:** The document that explains the plan of government and rules it follows.

**Federalists:** People who supported the Constitution as written in 1787.

**Federalism:** The people delegate certain powers to the national government, while the states retain other powers.

**Inalienable Rights:** Rights which belong to us by nature and can never be justly taken away.

**Liberty:** Except where authorized by citizens through the Constitution, government does not have the authority to limit freedom.

**Limited Government:** Citizens are best able to pursue happiness when government is confined to those powers which protect their life, liberty, and property.

**Private Property:** The natural right of all individuals to create, obtain, and control their possessions, beliefs, faculties, and opinions, as well as the fruits of their labor.

**Ratify:** To pass or approve a law.

**Restrict:** Limit what someone or something can do.

**Rights:** The natural freedom to do something.

## FEDERALISM

The people delegate certain powers to the national government, while the states retain other powers.

## EL FEDERALISMO

El pueblo delega ciertos poderes al gobierno nacional, mientras los estados mantienen los poderes no delegados.

Put this principle in your own words using **Spanish**:

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Put this principle in your own words using **English**:

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*Challenge words*

**soberanía:**

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*Challenge words*

**sovereignty:**

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**delegados:**

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**delegated:**

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## EXTENDING

1. What powers do only state governments hold?
2. What powers does only the national government hold?

*“But as the plan of the convention aims only at a partial union or consolidation, the State governments would clearly retain all the rights of sovereignty which they before had, and which were not, by that act, EXCLUSIVELY delegated to the United States.”*

—ALEXANDER HAMILTON: FEDERALIST NO. 32, 1788

## INALIENABLE RIGHTS

Rights which belong to us by nature and can never be justly taken away.

## DERECHOS INALIENABLES

Derechos inalienables son los derechos que nos pertenecen por naturaleza y nunca puede ser quitados ser quitado con justicia.

Put this principle in your own words using **Spanish**:

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Put this principle in your own words using **English**:

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*Challenge words*

**derechos:**

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*Challenge words*

**rights:**

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**propiedad:**

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**property:**

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## EXTENDING

1. List five inalienable rights.
2. How are these rights protected by the Declaration of Independence, the Constitution, and the Bill of Rights?

*“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”*

–DECLARATION OF INDEPENDENCE, 1776

**LIBERTY**

Except where authorized by citizens through the Constitution, government does not have the authority to limit freedom.

**LA LIBERTAD**

Todas personas nacen con ciertos derechos que nunca se les pueden ser justamente quitados.

Put this principle in your own words using **Spanish**:

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Put this principle in your own words using **English**:

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*Challenge words*  
**justamente:**

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*Challenge words*  
**justly:**

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**arbitrarios:**

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**arbitrary:**

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**EXTENDING**

1. List five liberties that cannot be limited by the United States government.
2. Discuss with your family: How has liberty been limited by government in other countries?

*“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.”*

–TENTH AMENDMENT TO THE U.S. CONSTITUTION, 1791

## LIMITED GOVERNMENT

Citizens are best able to pursue happiness when government is confined to those powers which protect their life, liberty, and property.

## GOBIERNO LIMITADO

Los ciudadanos son los mejores capacitados para buscar su felicidad propia cuando el gobierno está limitado a esos poderes que protegen su vida, libertad y propiedad.

Put this principle in your own words using **Spanish**:

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Put this principle in your own words using **English**:

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*Challenge words*

**limitado:**

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*Challenge words*

**limited:**

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**protegen:**

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**protect:**

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## EXTENDING

1. Discuss with your family: How is government limited in the United States?
2. How is government not limited in other countries?

*“Good constitutions are formed upon a comparison of the liberty of the individual with the strength of government: If the tone of either be too high, the other will be weakened too much. It is the happiest possible mode of conciliating these objects, to institute one branch peculiarly endowed with sensibility, another with knowledge and firmness. Through the opposition and mutual control of these bodies, the government will reach, in its regular operations, the perfect balance between liberty and power.”*

–ALEXANDER HAMILTON: SPEECH TO THE NEW YORK RATIFYING CONVENTION, 1788



**PRIVATE PROPERTY**

The natural right of all individuals to create, obtain, and control their possessions, beliefs, faculties, and opinions, as well as the fruits of their labor.

**PROPIEDAD PRIVADA**

El derecho natural de todos individuos de crear, obtener, y controlar sus posesiones, creencias, facultades, opiniones, y los frutos de su propio trabajo.

Put this principle in your own words using **Spanish**:

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Put this principle in your own words using **English**:

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*Challenge words*

**derechos:**

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*Challenge words*

**rights:**

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**“frutos de su propio trabajo”:**

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**“fruits of their own labor”:**

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**EXTENDING**

1. Make a list of all of the different types of property you own.
2. How do your parents enjoy the fruits of their labor? What are some ways you enjoy the fruits of your own labor?

*“...a man has a property in his opinions and the free communication of them. ...In a word, as a man is said to have a right to his property, he may be equally said to have a property in his rights...”*

–JAMES MADISON: ON PROPERTY, 1792

## ANSWER KEY

### Handout F: Looking Deeper at Philosophy Versions 1 and 2

#### Article I, A

- limited government, separation of powers
- consent of the governed, republican government, federalism
- republican government, federalism

#### Article I, B

- limited government, individual rights
- separation of powers/checks and balances, limited government
- separation of powers/checks and balances

#### Article I, C

- federalism
- limited government, individual rights
- republican government, consent of the governed

#### Article II

- limited government, representative government
- representative government, consent of the governed, federalism
- limited government, separation of powers/checks and balances

#### Article III

- limited government, representative government, separation of powers/checks and balances
- federalism
- separation of powers/checks and balances, individual rights

#### Article IV and V

- limited government, individual rights, federalism
- republican government, federalism
- separation of powers/checks and balances, consent of the governed, federalism

#### Article VI and VII

- limited government, federalism
- limited government, individual rights
- consent of the governed, federalism

### LESSON 3

## The United States Bill of Rights

### Handout B: What Rights Are Protected by the Bill of Rights

#### Rights protected:

- Amendment I: no established religion; free exercise of religion; freedom of speech; freedom of the press; right to assemble peaceably; right to petition the government for a redress of grievances
- Amendment II: right to a militia; right to keep and bear arms
- Amendment III: no quartering of soldiers without consent of owner
- Amendment IV: no unreasonable searches or seizures; no searches or seizures without warrants
- Amendment V: must have indictment by grand jury for capital crimes; cannot be tried for the same offense twice; cannot be forced to be a witness against yourself; cannot be deprived of life, limb, or property without due process; private property cannot be taken for public use without just compensation
- Amendment VI: speedy and public trial; impartial jury in state and district where crime committed; informed of nature and cause of accusation; confronted with witnesses; obtain witnesses in your favor; have assistance of counsel for defense
- Amendment VII: trial by jury preserved
- Amendment VIII: no excessive bail or fines; no cruel or unusual punishments
- Amendment IX: these rights cannot deny or infringe rights to others
- Amendment X: the powers not delegated in the Constitution are reserved for the states or to the people

#### Because:

Accepted reasoned answers

### Handout C: You Be the Judge! Versions 1 and 2

1. just compensation for taken property, Fifth Amendment
2. freedom from government-established religion, First Amendment
3. no cruel and unusual punishment, Eighth Amendment
4. free religious exercise, First Amendment
5. right against self-incrimination, Fifth Amendment; right of the accused to have access to counsel, Sixth Amendment
6. due process, Fifth Amendment; right to a fair trial by impartial jury, Sixth Amendment; related issues: freedom of the press, First Amendment; public trials, Sixth Amendment
7. freedom from unreasonable searches and seizures, Fourth Amendment
8. freedoms of speech and assembly, First Amendment

#### LESSON 4 America's Civic Values

### Handout C: Civic Values and You Versions 1 and 2

1. respect
2. initiative, responsibility
3. courage, responsibility
4. initiative, resourcefulness
5. honor, justice, responsibility,
6. initiative, resourcefulness
7. honor, courage, initiative
8. honor, responsibility, perseverance
9. initiative, respect
10. courage, perseverance
11. honor, justice, responsibility
12. courage, respect
13. honor, justice, vigilance
14. honor, justice
15. honor, respect

### Handout D: Civic Values and the Constitution

1. initiative, responsibility
2. justice, resourcefulness
3. justice
4. justice, moderation
5. moderation
6. honor, perseverance, responsibility, duty
7. justice, responsibility
8. honor, justice, respect
9. honor, justice, respect, responsibility, duty
10. initiative, honor, responsibility
11. justice, respect
12. courage, initiative, perseverance, respect, responsibility, resourcefulness
13. justice, moderation
14. moderation, responsibility, vigilance

#### LESSON 5 American Heroes: Past and Present

### Handout A: What is a Hero?

Students' answers will vary based on the heroes they choose

### Handout C: My American Hero Versions 1 and 2

Students' answers will vary based on the Character Card hero they were assigned

### Handout D: Dinner Party Seating Chart Versions 1 and 2

Students' answers will vary based on the heroes at their "dinner party" table