



Judges in the Classroom

Creating a Bill of Rights in Space

Source:

Adapted by Tarry L. Lindquist from Lesson 9 of Constitutional Visions written by Margaret Fisher, the Institute for Citizen Education in the Law, Seattle, WA, and Tarry L. Lindquist, and updated in 2012. Staff at the Washington State Administrative Office of the Courts (AOC) edited the lesson. For more information, contact AOC Court Services, 1206 Quince Street SE, PO Box 41170, Olympia, WA 98504-1170. For an electronic copy of this lesson, or to view other lesson plans, visit Educational Resources on the Washington Courts Web site at: www.courts.wa.gov/education/.

Objectives:

1. Students will define "rights."
2. Students will analyze and apply the U.S. Bill of Rights to hypothetical situations.
3. Students will create an Intergalactic Bill of Rights.

Grade Level: _

Grades 4-8

Time: _

One class period (approximately 50 minutes)

Materials:

One copy of Handout 1 (Space Colony Situations) for each student

Procedures:

1. **Begin the class by introducing yourself** to the students and telling a little bit about what you do, if this is your first class. Tell the students they will be discussing the value of individual rights today.

Note: When you meet this class, they should have just completed writing a constitution for a space colony set one hundred years in the future. They analyzed the U.S. Constitution as to its utility and applicability within the framework of space. Now they are ready to consider adding a Bill of Rights to their constitution for their space colony. Judges should help the students discover the need for a Bill of Rights if rights are not already guaranteed in their constitution.

2. **Ask the students** for a definition of "rights." Prompt students by asking questions such as the following:

Is freedom a right?

Is having enough food to eat a right?

What does the word "right" mean to you?

Rights can be classified into many different categories, but for purposes of this class, **rights** means "generally accepted principles of fairness and justice."

3. **Pose the question:** Do you need a Bill of Rights for your space colony or galaxy? Tell students you will ask that question again after they analyze some situations that could occur on their space colonies.

4. **Pass out Handout 1** (Space Colony Situations). Have a student read the first hypothetical situation (**a**) out loud.

- a. Tofu steals a piece of candy from the corner store. He is arrested and taken to jail, where the police sergeant decides that the punishment will be to cut off Tofu's right index finger.

5. **Ask the students:** Does anything seem unfair or unjust in this situation? After brief discussion, confirm that this would be both a violation of right to a speedy and public trial, right to an attorney, (5th and 6th Amendments) and cruel and unusual punishment (8th Amendment). Suggest to the students that they may need to include a right requiring fair trial procedures and banning inhumane punishments.

6. **Have another student** read the second situation (**b**) out loud.

- b. The government of the space colony has manufactured an army of robots, called "Terminators," to enforce the laws. These robots are programmed to seize any citizen suspected of committing a crime, and to take them to jail. Arwen is shopping at the Astro-Mart when she is suddenly scooped up by a Terminator and whisked away to jail. She has no idea what she is accused of or what she can do to be released.

7. **Ask the students:** Does anything seem unfair or unjust in this situation? After brief discussion, confirm that this situation raises questions about unreasonable search and seizure, which is protected by our Fourth Amendment. It also raises questions about fair trial procedures, which are protected by the Fifth, Sixth, and Eighth Amendments.

Pose some additional questions. For example, you might ask: Should the robots be able to arrest anyone suspected of a crime? Can the robots make reasoned judgments about probable cause, as police officers are required to do? How can the space colonists protect themselves from this happening? What type of protections does Arwen need?

8. **Have another student** read the third situation (c) out loud.
 - c. Gandalf is a student at Cosmos Middle School. He started a school newspaper to report about school sports events, the latest in computer games, interesting web sites, and news about the local community. His first issue includes an article about the upcoming visit of Earthkind to evaluate the school. The article is critical of some of the school policies, such as requiring all the students to learn Earthspeak. Before the first issue even comes out, the principal tells him that school newspapers are not allowed and that all copies of the newspaper will be burned.

9. **Ask the students:** Does anything seem unfair or unjust in this situation? Confirm, after brief discussion, that this hypothetical raises issues of free speech and free press, protected by the First Amendment. There is a whole line of cases about school newspapers, which examine when school authorities can control or censor newspapers. In the case above, you may want to point out that the principal is not allowing any type of newspaper; his/her censorship seems to be based on the newspaper's criticism of the school policy.

In *Hazelwood v. Kuhlmeier*, decided by the U.S. Supreme Court in 1988, the Court held that the school administration has editorial control over a school newspaper when it is part of a regular class. Educators must show that their actions in censoring or controlling the content of the paper were reasonably related to legitimate educational concerns.

10. **Have another student** read the last situation (d) out loud.
 - d. Angela is a member of the Interplanetary Church of Pluto. The space colony outlaws her Church and tells Angela she must join the Intergalactic Church of Venus.

11. **Ask the students:** Does anything seem unfair or unjust in this situation? After brief discussion, confirm this would be a violation of the First Amendment of the U.S. Bill of Rights, which protects the free exercise of religion and prohibits the establishment of religion by the government. Students may want to include the protection to worship freely in their Bill of Rights.

12. **Ask the students:** What are some other rights you might want to protect in your space colony? Encourage the students to tell why they think a certain right should be protected. Write student responses on the board or docu-camera.

13. **Ask the students** to group themselves back into their space communities. Tell students each space community should cooperatively prepare a list of at least six rights they feel must be protected. Give the groups 10 minutes to work on their lists. Ask students if they understand the group assignment.

14. **Circulate around the room** while the groups are working. Talk with each group at this time, answering questions, listening to their conversation, interjecting points to

consider, etc.

Once the groups get six rights on their lists, tell them to rank the rights on their lists in order of importance.

- 15. Ask again:** Do you need a Bill of Rights for your space colony or galaxy? Tell students they will develop an Intergalactic Bill of Rights by sharing their rights and deciding which rights should be included in an Intergalactic document. Have one space colony group read its first priority while you write it on the board or docu-camera. (Feel free to ask the teacher to write while you facilitate the sharing.)

Then have a second group read its first priority, and so on. If a group's first priority has already been read, they should read their second priority. Continue this process of round robin reading and sharing until all the groups share all their rights.

If time permits, work with the class until they come to agreement as to which rights should be in an Intergalactic Bill of Rights. This may be done by a simple vote to include all the rights put forth by the groups or it may take some negotiation, lobbying, or further small group discussions.

If there is not sufficient time, the teacher can complete the Intergalactic Bill of Rights activity in another class period.

HANDOUT 1

Space Colony Situations

- a. Tofu steals a piece of candy from the corner store. He is arrested and taken to jail, where the police sergeant decides that the punishment will be to cut off Tofu's right index finger.

Does anything seem unfair or unjust in this situation?

- b. The government of the space colony has manufactured an army of robots, called "Terminators," to enforce the laws. These robots are programmed to seize any citizen suspected of committing a crime, and to take them to jail. Arwen is shopping at the Astro-Mart when she is suddenly scooped up by a Terminator and whisked away to jail. She has no idea what she is accused of and what she can do to be released.

Does anything seem unfair or unjust in this situation?

- c. Gandalf is a student at Cosmos Middle School. He started a school newspaper to report about school sports events, the latest in computer games, interesting web sites, and news about the local community. His first issue includes an article about the upcoming visit of Earthkind to evaluate the school. The article is critical of some of the school policies, such as requiring all the students to learn Earthspeak. Before the first issue even comes out, the principal tells him that school newspapers are not allowed and that all copies of the newspaper will be burned.

Does anything seem unfair or unjust in this situation?

- d. Angela is a member of the Interplanetary Church of Pluto. The space colony outlaws her Church and tells Angela she must join the Intergalactic Church of Venus.

Does anything seem unfair or unjust in this situation?