



Judges in the Classroom

History of the Bill of Rights

Source:

Adapted by Tarry L. Lindquist from a feature in the magazine Social Studies and the Young Learner, September-October 1991, written by Margaret Fisher 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 list rights contained in the Bill of Rights and know there are other rights in the U.S. Constitution and subsequent amendments.
2. Students will explain why the U.S. Constitution of 1787 did not contain a Bill of Rights.
3. Students will identify the players in the process to obtain a Bill of Rights.
4. Students will apply the 10 amendments in the Bill of Rights to their lives today.

Grade Level:

Grades 4-8

Time:

One class period (approximately 50 minutes)

Materials:

One copy of Handout 1 (Simplified U.S. Bill of Rights) for each student
One copy of Handout 2 (Highlights of the History of the Bill of Rights) for each student
Timer or clock with a second hand
Optional: Award for winning team of game

Note: This lesson assumes the teacher has already introduced students to the Bill of Rights and the class is quite comfortable with the meaning and intent of the document. The role of the judge in this lesson is to promote further understanding of the rights through a game, which should spark individual student questions about the Bill of Rights. Before the judge arrives, students will create posters depicting the rights.

(The teacher should prepare these materials for your visit.)

Procedures:

1. **Begin the class by introducing yourself** to the students and telling a little about what you do, if this is your first class.
2. **Explain to students** that you are here today to help them understand the history of the Bill of Rights. Remind students that the Bill of Rights refers to the first ten amendments added in 1791 to the U.S. Constitution after it was ratified in 1787. Point out to students that while there are ten amendments in the Bill of Rights, there are more than ten individual rights guaranteed in the Bill of Rights. For instance, in the First Amendment, seven rights are guaranteed.

Find out what the students know about the Bill of Rights by asking them some questions. For example, you might ask what the seven rights are in the First Amendment. Then, ask students what other rights are in the Bill of Rights. Discuss each of the first ten amendments, focusing on the first eight amendments that guarantee individual rights.

Remind students that in addition to the Bill of Rights, the body of the U.S. Constitution guarantees other rights and subsequent amendments contain more rights. Pass out Handout 1 (Simplified U.S. Bill of Rights) for the students' reference. Spend no more than 10 minutes on this introductory segment.

3. **Tell students** that today they will study more of the history behind the Bill of Rights. Pass out Handout 2 (Highlights of the History of the Bill of Rights). Summarize the main points of Handout 2 for students. Inform students they will later play a "Jeopardy-like" game using the information in their handout and posters.
4. **After discussing** the content of the handout with the whole class, divide the class into groups of four students each. Handout 2 is divided into four sections; section one is statements 1-5, section two is statements 6-10, section three is statements 11-16, and section four is statements 17-22. Each group member is responsible for the information in one section. Give two to four minutes for individual study time and then five minutes for group study. After group study, allow for discussion by the whole class. Allow 15 minutes for this review of the handout.
5. **Conduct a practice** question session by asking some sample questions.
6. **Set up for the game.** Have the groups of four students sit together. Put all the questions in a "hat." (Prior to the judge's visit, the teacher should cut up the questions and answers so each is on a separate piece of paper.) Use some lottery arrangement to determine which team begins. On the board or docu-camera, write Team A, Team B, etc. for each team.

7. **Draw a question** from the "hat." Give the topic and point value, e.g., HISTORICAL PERSONS for 50 points. Read the question for Team A. Wait 30 seconds for the answer. (The teacher will act as timer.) Any Team A member may answer the question. The students may consult other team members and/or the handouts. If Team A answers correctly, award them the point value and proceed to the next team, removing the question from the hat. If Team A answers incorrectly, award no points and put the question back into the "hat."
8. **Continue on to each team.** "Daily Double" questions earn twice the point value listed.
9. **At the end** of all the questions, total each team's score. Tell students to discuss as a team how many points they want to risk on the Final Question. Ask each team to write down on a piece of paper the number of points they want to risk; teams may risk anywhere from no points to all their points. Ask the Final Question and tell the teams to write their answers on the same piece of paper under the points risked.

Collect the answer sheets from the teams and read each team's answer and points risked. If they answer the question correctly, they earn the amount of points risked. If they are wrong, they lose the amount risked. Add or subtract the points risked from the team scores before the Final Question to determine the final point totals.

10. **If there is time**, review the Bill of Rights quickly. Ask students which three rights they would give up if they had to give up rights. Probe for their reasons. Share, if you care to, which ones you'd give up and why.

QUESTIONS AND ANSWERS FOR THE GAME

HISTORICAL PERSONS (10 Points) DAILY DOUBLE QUESTION

Who is entitled to be called the "Father of the Bill of Rights?"

James Madison

HISTORICAL PERSONS (20 Points)

Who helped convince James Madison from his post as Ambassador to France that a Bill of Rights was necessary for the new Constitution of 1787?

Thomas Jefferson

HISTORICAL PERSONS (30 Points)

True or False. Alexander Hamilton, a Federalist, argued that a Bill of Rights could be dangerous.

True

HISTORICAL PERSONS (40 Points)

True or False. James Madison fought to include a Bill of Rights in the Constitution during the Philadelphia Convention.

False. He was opposed to including a Bill of Rights until he saw the new Constitution would fail to be ratified unless one was developed.

HISTORICAL PERSONS (50 Points)

Who proposed a Bill of Rights at the Philadelphia Convention?

George Mason

FEDERALIST/ANTI-FEDERALIST (10 Points)

Which group favored a strong national government -- the Federalists or Anti-Federalists?

Federalists

FEDERALIST/ANTI-FEDERALIST (20 Points) DAILY DOUBLE QUESTION

Which favored passing the Constitution of 1787 -- the Federalists or Anti-Federalists?

Federalists

FEDERALIST/ANTI-FEDERALIST (30 Points)

Identify these three men as Federalists or Anti-Federalists: Alexander Hamilton, Patrick Henry, and James Madison.

Hamilton – Federalist
Henry – Anti-Federalist
Madison – Federalist

FEDERALIST/ANTI-FEDERALIST (40 Points)

What was the chief strategy of the Anti-Federalists to defeat the ratification (approval) of the Constitution?

To get the voters to oppose it because there was no Bill of Rights.

FEDERALIST/ANTI-FEDERALIST (50 Points)

What strategy did the Federalists use to get ratification of the Constitution?

To promise to push for amendments to the Constitution to add a Bill of Rights after the Constitution was ratified.

RATIFICATION (10 Points)

How many states were there in the Union in 1791?

14

RATIFICATION (20 Points)

What percentage of the states was necessary to ratify the Bill of Rights?

75% or 3/4ths of the states

RATIFICATION (30 Points)

What was the date the Bill of Rights was ratified?

December 15, 1791

RATIFICATION (40 Points)

Which was the last state to ratify the Bill of Rights so that the Bill of Rights became a part of the Constitution?

Virginia

RATIFICATION (50 Points) DAILY DOUBLE QUESTION

What year did Massachusetts, Georgia, and Connecticut ratify the Bill of Rights?

1791

RIGHTS (10 Points)

True or False. The Bill of Rights includes the first 14 Amendments to the United States Constitution.

False, only the first 10 amendments.

RIGHTS (20 Points)

True or False. Most of rights contained in the Bill of Rights were modeled on rights listed in various state constitutions.

True

RIGHTS (30 Points)

List four of the seven basic rights protected by the First Amendment.

- Freedom of religion**
- Freedom from establishment of religion**
- Freedom of speech**
- Freedom of the press**
- Freedom of association**
- Freedom for people to petition the government to correct wrongs/injustices**
- Freedom for people to get together peacefully (freedom of assembly)**

RIGHTS (40 Points) DAILY DOUBLE QUESTION

Describe three rights protected by the Fifth Amendment.

- Legal rights of those people accused of criminal acts**
- Self-incrimination**
- The government must pay a fair price for any property it takes from private citizens.**

RIGHTS (50 Points)

Which amendment guarantees citizens that they will not be punished by mental or physical torture?

The Eighth Amendment protects citizens from cruel and unusual punishment.

FINAL GAME QUESTION: What is the name of the document and who must authorize (sign) it before police can enter your home to look through your possessions and take whatever is described in the document? Which amendment deals with this?

It is called a search warrant and must be signed by a judicial officer (magistrate). The Fourth Amendment protects citizens against searches without such documentation unless the circumstances fall within a specific exception to the warrant requirement, such as plain view or search incident to an arrest.

RESOURCES:

Levy, Leonard W., *Constitutional Opinions: Aspects of the Bill of Rights*, New York: Oxford University Press, 1986.

Meltzer, Milton, *The Bill of Rights: How We Got It and What It Means*, New York: Thomas Y. Crowell, 1990.

REFERENCES:

Bowen, Catherine D., *Miracle at Philadelphia*, Boston: Little, Brown, and Company, 1986.

1787: The Day-to-Day Story of the Constitutional Convention, New York: Exter Books, 1987.
(Note: This book was compiled by the historians of Independence National Historical Park, National Park Service.)

Handout 1

Simplified United States Bill of Rights*

FIRST AMENDMENT

This amendment guarantees the right to freedom from establishment of religion, freedom of religion, freedom of speech, freedom of the press, freedom of association, freedom for people to get together peacefully, and freedom for people to send petitions to their government.

SECOND AMENDMENT

This amendment states that in order to have a prepared military, people are guaranteed the right to keep and bear arms.

THIRD AMENDMENT

This amendment states that the government cannot force people to house and feed soldiers in their homes during times of peace.

FOURTH AMENDMENT

This amendment states that people, their homes or their belongings are protected from unreasonable searches or seizures. Warrants may not be issued except upon probable cause, and must specifically describe the place to be searched and the person or thing to be seized.

FIFTH AMENDMENT

This amendment guarantees a person accused of a serious crime the right to be charged by a grand jury. Persons cannot be forced to give evidence against themselves. If a person is found not guilty of a crime, he/she cannot be put on trial for the same crime again. The federal government cannot unfairly take peoples' lives, freedom or property. The government must pay a person for any property it takes for public use.

SIXTH AMENDMENT

This amendment guarantees a speedy and public trial by an impartial jury if a person is accused of a crime. The accused has the right to be told of what they are accused. They have the right to a lawyer. They have a right to see and to question those people who accuse them of the crime.

SEVENTH AMENDMENT

This amendment guarantees a trial by jury in civil cases.
(Disputes between private parties or between the government and a private party.)

EIGHTH AMENDMENT

This amendment guarantees that excessive bail or excessive fines will not be imposed and that punishment will not be cruel and unusual.

NINTH AMENDMENT

This amendment states that the people have other rights that are not stated here.

TENTH AMENDMENT

This amendment states that the people have all the rights not given to the United States government or forbidden to state governments by the U.S. Constitution.

***This** focuses on the first ten amendments, but many rights are included in the body of the United States Constitution and in subsequent amendments.

HANDOUT 2

Highlights of the History of the Bill of Rights

Section 1 (Statements 1-5)

1. The Constitution of the United States was drafted at the Philadelphia Convention, which was held from May 25, 1787 to September 17, 1787.
2. The job of this convention was to make the national government stronger. The old Articles of Confederation had proved too weak to unite the 13 colonies.
3. There was no Bill of Rights in the 1787 Constitution on purpose. George Mason of Virginia did suggest that a Bill of Rights be included. He thought it would make the people trust the Constitution more. He said many of the state constitutions already had bills of rights so the Convention could just use some of those. He said it would only take "a few hours" to write.
4. Elbridge Gerry of Massachusetts made a motion for a committee to make a bill of rights just five days before the Convention was over. Mason seconded the motion. However, after a brief discussion, the delegates voted to defeat the motion.
5. Why was there no Bill of Rights in the Constitution of 1787? The main reason for the Convention was to strengthen the national government. Because of this, most of the delegates believed that a Bill of Rights was not needed.

Section 2 (Statements 6-11)

6. Certain individual rights were included in the Constitution of 1787. Some of these include: right of *habeas corpus* -- you can find out immediately why you have been put in jail, a ban on titles of nobility, trial by jury, and freedom of speech and debate for members of Congress.
7. The Federalists were people who favored a strong federal or national government.
8. The Federalists felt a Bill of Rights was unnecessary. They said since the new Constitution limited the power of the government and since the people kept control of everything they did not say the government could do, no bill of individual rights was needed.
9. Alexander Hamilton, in Federalist Paper Number 84, argued that a Bill of Rights might even be dangerous. He said that if something wasn't listed in the Bill of Rights, the government might claim the power to do it. He also said that since each state had its own bill of rights, a national set was not needed.
10. Hamilton's arguments had some difficulties. Six states had no Bill of Rights in their state constitutions. No state had a full list of rights.

11. The Anti-Federalists were people who supported strong state governments and were against a strong federal, or national, government.

Section 3 (Statements 12-16)

12. The Anti-Federalists wanted the Constitution of 1787 defeated.
13. The Anti-Federalists' main way to defeat the Constitution was to talk about the lack of a Bill of Rights. They thought having no Bill of Rights would get people to vote against the Constitution.
14. Anti-Federalists, like Patrick Henry of Virginia, pointed out that Hamilton's arguments that a Bill of Rights was unnecessary made no sense. Henry said that some rights were included in the Constitution, like trial by jury in criminal cases. Why should others be left out?
15. The Federalists agreed to support a Bill of Rights after the ratification of the Constitution. This was an important strategy to prevent a new general Convention which might undo the work done at the Philadelphia Convention.
16. James Madison of Virginia, a Federalist, switched his position against a Bill of Rights. He voted to recommend a Bill of Rights in the first Congress after ratification.

Section 4 (Statements 17-22)

17. Thomas Jefferson, who was serving as U.S. ambassador to France, wrote letters to James Madison that helped persuade him that a Bill of Rights was necessary.
18. James Madison took the lead at the First Congress and submitted a Bill of Rights. For his efforts, he is entitled to be called the "Father of the Bill of Rights."
19. Madison used rights listed in state constitutions and from state ratifying conventions. The House of Representatives adopted 17 amendments. The Senate took out and changed some rights. Finally, 12 amendments were submitted to the states for ratification.
20. Three-fourths or 75% of the states had to ratify (approve) the Bill of Rights. Since Vermont had been added to the Union, this meant that 11 of the 14 states had to ratify the Bill of Rights.
21. Within six months, nine states had approved ten amendments. Two amendments were rejected. Georgia, Massachusetts, and Connecticut did not ratify the Bill of Rights until 1791, the 150th anniversary of the Constitution!
22. Virginia was the eleventh state to ratify the Bill of Rights on December 15, 1791. This made the Bill of Rights part of the Constitution.