



## Judges in the Classroom

### An Introduction to the Bill of Rights

#### **Source:**

Developed by Tarry L. Lindquist to introduce, enrich, and extend Books and the Bill of Rights, a unit written for the Institute for Citizen Education in the Law, Seattle, WA, by 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/](http://www.courts.wa.gov/education/).

#### **Objectives:**

1. Students will identify and explain the first 10 amendments as the Bill of Rights.
2. Students will apply amendments to modern day situations.
3. Students will develop an appreciation for the Bill of Rights.

#### **Grade Level:**

Grades 4-8

#### **Time:**

One class period (approximately 50 minutes)

#### **Materials:**

One copy of the Handout 1 (Simplified U.S. Bill of Rights) for each student; **or**  
One copy of Handout 2 (Summary of Rights Found in the U.S. Constitution and the Bill of Rights) for each student.

Note: This lesson assumes the teacher has provided students with an overview of the first ten amendments to the Constitution. Since your visit is an introduction to the content of the Bill of Rights, the teacher's overview may have been very recent and not in depth. Your effort today is to expand on what the students know, correct their misunderstandings, and extend their insights through the stories you may choose to share from your experience and education. As a result of your visit, students should gain an awareness and appreciation of the value of the Bill of Rights – yesterday, today, and tomorrow.

**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.
2. **Explain to the students** that you are here today to help them understand and appreciate the Bill of Rights. Pass out Handout 1 (Simplified U.S. Bill of Rights) or Handout 2 (Abridged Bill of Rights and Other Rights Found in the U.S. Constitution). Check with the teacher ahead of time to discuss distribution of Handout 1 or 2. The teacher may have definite plans as to how he or she will cover the U.S. Constitution and subsequent amendments; too much reference to rights in the body of the Constitution or amendments after the first 10 amendments may confuse students at this time.

Remind students that the Bill of Rights refers to the first 10 amendments added in 1791 to the U.S. Constitution after it was ratified in 1787, but these are not the only rights guaranteed in writing. The body of the U.S. Constitution contains many rights and subsequent amendments include other rights.

3. **Ask the students** how they think their lives might be different if the United States had no Bill of Rights. List responses on the board or docu-camera as students mention them. Recognize that all are good answers, but especially take note of those that highlight issues you'd like to focus on this class period.

You'll find students are particularly interested in First Amendment issues, search and seizure issues, and the meaning of self-incrimination. Spend no more than 10 minutes on this introductory segment.

4. **Tell stories from your own experience** that will help the students understand and appreciate the Bill of Rights.

For example, you could start with the First Amendment. Explain there are many circumstances when the First Amendment comes into play. Give some examples of the types of First Amendment issues; that is, freedom from establishment of religion, freedom of speech, freedom of religion, freedom of the press, freedom of assembly, etc. You might tell about your last case that dealt with a First Amendment issue, your most memorable case that dealt with a First Amendment issue, or a well-known First Amendment case.

Try to relate your experiences to those that might interest young people. For instance, you might highlight that schools, military bases, and prisons are places where the First Amendment presents special problems. When the rights of students, the military or prison inmates interfere with the need to preserve order, the courts often balance the competing interests.

In the Fourth Amendment area, you might focus on drug testing of school athletes, school locker searches or car searches. Again, highlight that there are many circumstances when the Fourth Amendment comes into play. Explain in very simple terms about the protection of search warrants and the many exceptions to the search warrant requirement. Schools are considered a special environment in search and seizure law; school searches are considered exceptions.

Keep your stories short and to the point. Ask questions as you are telling the story to engage the listeners. For example, you could ask:

- And what do you think happened next?
- What would you have done?
- What do you think I did?
- What right was being ignored in this situation?
- How did the Bill of Rights protect this person?
- Can you identify the consequences of this person's actions?

This is extremely personalized teaching. Through your stories, the students will begin to understand that not everything in the legal area is cut and dried. They will begin to appreciate the protections that the Bill of Rights offers citizens of the United States. Take about 20-25 minutes to tell stories and ask questions of the students.

5. **Leave time for other questions** from the students. Some of these will be in the form of synopses of television programs they have seen and wonder about. You'll want to curtail long, drawn-out descriptions. Encourage the students to be precise, accurate, and quick. Allow about 10 minutes for these questions.
6. **If there is time, ask the students** what they might add to the U.S. Constitution if they could add an amendment. Ask them to give reasons for their additions. List their responses and reasons on the board or docu-camera. If you'd like, contribute what you would add. Use the remaining class time for this exercise. The teacher could develop this as a follow-up activity.
7. **Conclude** by suggesting students continue to think about how the amendments in the Bill of Rights affect their lives.

## Handout 1

### Simplified United States Bill of Rights\*

#### **FIRST AMENDMENT**

This amendment guarantees the right of 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

### Summary of Rights Found in the United States Constitution and the Bill of Rights (Abridged)

#### **ARTICLE I, SECTION 6 USA**

Freedom of speech and debate for members of Congress.

#### **ARTICLE I, SECTION 8 USA**

The writ of *habeas corpus* shall not be suspended unless public safety requires it. (*Habeas corpus* is an order directed at the authorities who are keeping someone in prison to "produce the body" and justify before a judge why they are keeping the person locked up.)

#### **ARTICLE I, SECTION 8 USA**

No bills of attainder or *ex post facto* laws shall be passed. A bill of attainder is an action of the legislative branch finding someone guilty or imposing punishment without a trial. An *ex post facto* law is a criminal law that operates retroactively to the disadvantage of the accused.

#### **ARTICLE I, SECTION 8 USA**

No titles of nobility shall be granted by the United States.

#### **ARTICLE III, SECTION 2 USA**

Jury trials in criminal cases.

#### **ARTICLE III, SECTION 3 USA**

Treason defined to prevent improper convictions.

#### **ARTICLE VI, SECTION 3 USA**

No religious test shall ever be required as a qualification to any office under the United States.

#### **FIRST AMENDMENT USA**

This amendment guarantees that Congress cannot establish a state religion. It also guarantees the right of 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 USA**

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

#### **THIRD AMENDMENT USA**

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

#### **FOURTH AMENDMENT USA**

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 USA**

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 USA**

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 what they are accused of. 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 USA**

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

#### **EIGHTH AMENDMENT USA**

This amendment guarantees that punishment will not be cruel and unusual.

#### **NINTH AMENDMENT USA**

This amendment states that just because a right is not listed does not mean it does not exist.

#### **TENTH AMENDMENT USA**

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

#### **THIRTEENTH AMENDMENT USA (1865)**

Slavery shall not be allowed in the United States, or any place subject to U.S. laws.

#### **FOURTEENTH AMENDMENT USA (1868)**

All persons born or naturalized in the United States are citizens of the U.S. No state can limit the privileges or immunities of U.S. citizens. No state can take away a person's life, liberty, or property without fair procedures, or deny a person equal protection of the laws. Citizens have the right to travel (court decision interpreting the 14th amendment).

#### **FIFTEENTH AMENDMENT USA (1870)**

Adult male citizens, regardless of race, can vote.

#### **NINETEENTH AMENDMENT USA (1920)**

Adult female citizens can vote.

**TWENTY-THIRD AMENDMENT USA (1961)**

Residents of the District of Columbia can vote in Presidential elections.

**TWENTY-FOURTH AMENDMENT USA (1964)**

Citizens cannot be required to pay a poll tax to vote.

**TWENTY-SIXTH AMENDMENT USA (1971)**

Citizens 18 years old and over can vote.