

## Delaware Recommended Curriculum

This unit has been created as an exemplary model for teachers in (re)design of course curricula. An exemplary model unit has undergone a rigorous peer review and jurying process to ensure alignment to selected Delaware Content Standards.

**Unit Title:** Bill of Rights

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**Content Area:** Social Studies

**Grade Level:** 5

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### Summary of Unit

History and experience suggested to the Founding generation that power and those who held it posed a constant threat to liberty and individual rights. The ratification of the Constitution depended partly on some assurances that the increased powers that were delegated to the new national government would be limited in a manner that respected the fundamental rights of a free people.

The Constitution guarantees many different rights to everyone in the United States, but those rights are relative, not absolute. Does one person's right to a speedy trial infringe on another person's right to a fair trial? When might freedom of speech threaten public order? Under what conditions might freedom of the press conflict with the right to a fair trial? Does the Second Amendment grant the *individual* right to bear arms? Do property rights forbid sharing of music online? Effective citizenship depends on an understanding of the limits as well as the scope of rights.

The rights enumerated in the U.S. Constitution are so fundamental to American democracy and the freedom of Americans that one can understand why they are stressed in three of the four [Delaware Civics Standards](#). Students are required to know the enumerated rights, which require some understanding of the purpose and application of the rights. Of course, there is some ambiguity and resultant controversy about each of the rights. At this grade level, students should know the enumerated rights, understand the reasons for them, and be aware of some of the ambiguities and controversies.

The application of the Bill of Rights to "everyday situations" obviously calls for a deeper understanding than *what* and *why* of the enumerated rights. The student is asked to understand the principles behind major rulings of the Supreme Court and the ambiguities and controversies that adhere to every right in the Bill. What are the limits to freedom of expression and religion? How does the First Amendment allow citizens to inform government leaders of what they think? How can a student protest what he or she considers an unfair situation?

The application of the rights to specific cases should lead to the understanding that the rights of one are necessarily constrained by the rights of others and the needs of public order and welfare. The student should gain a growing appreciation of the conflicts and tradeoffs between values involved in freedom. By examining the principles expressed in the specific rights in their practical application, students should learn to discriminate between situations where rights are relatively clear and secure and situations where they are not.

## Stage 1 – Desired Results

What students will know, do, and understand

### Delaware Content Standards

Civics Standard Three 4-5a: Students will identify the fundamental rights of all American citizens as enumerated in the Bill of Rights.

Civics Standard Three 4-5b: Students will apply the protections guaranteed in the Bill of Rights to an analysis of everyday situations.

### CCSS.ELA-Literacy.RI.5.9

Integrate information from several texts on the same topic in order to write or speak about the subject knowledgeably.

### CCSS.ELA-Literacy.RI.5.4

Determine the meaning of general academic and domain-specific words and phrases in a text relevant to a *grade 5 topic or subject area*.

### CCSS.ELA-Literacy.SL.5.1.c

Pose and respond to specific questions by making comments that contribute to the discussion and elaborate on the remarks of others.

### Big Idea

- Citizenship

### Enduring Understandings K-12

Students will understand that:

- Effective citizens are committed to protecting rights for themselves, other citizens, and future generations by upholding their civic responsibilities and are aware of the potential consequences of inaction.
- Distinctions between a citizen's rights, responsibilities, and privileges help to define the requirements and limits of personal freedom.

### Essential Questions

- Why are the rights in the Bill of Rights important to American citizens?
- Why are the rights of American citizens limited?
- How is the Bill of Rights applied in everyday life?

### Knowledge and Skills

Students will know...

- Rights of a citizen in the Bill of Rights.
- The purpose of the Bill of Rights.
- Principles behind major rulings of the Supreme Court.
- Ambiguities and controversies that adhere to every right in the Bill of Rights.

Students will be able to...

- Discriminate between situations where rights are relatively clear and secure and situations where they are not.
- Understand multiple causes and use information to predict likely effects.

- Use content-appropriate vocabulary in order to communicate understanding of Civics content and concepts.
- Use Civics content and concepts as evidence to solve problems and to make and support reasoned decisions, explanations, conclusions, or predictions.

## Stage 2 – Assessment Evidence

Evidence that will be collected to determine whether or not Desired Results are achieved

### Transfer Task (to be completed at the end of the unit)

This summative assessment is a transfer task that requires students to use knowledge and understandings to perform a task in a new setting or context.

The assessment and rubric should be reviewed with students prior to any instruction. Students should complete the assessment after instruction.

### Essential Question Measured by the Transfer Task

- How is the Bill of Rights applied in everyday life?

|                                           |                                                                                                                                                                                                                                                                                                                                         |
|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Prior Knowledge</b>                    | Now that you have learned about the protections guaranteed in the Bill of Rights, you are ready to apply that knowledge in order to explain how the protections apply in everyday life.                                                                                                                                                 |
| <b>Problem</b>                            | The local school board recently adopted a student dress policy. The new policy states that no student is allowed to wear any headgear, including hats and scarves. A small group of students is petitioning the school board to change the policy. These students believe that they should have the right to wear hats of their choice. |
| <b>Role</b>                               | You are a student in this school district.                                                                                                                                                                                                                                                                                              |
| <b>Product</b>                            | Write an email to the president of the school board or draft a petition explaining your position on the issue of the student dress policy.                                                                                                                                                                                              |
| <b>Criteria for an Exemplary Response</b> | Be sure to include these items in your email: <ul style="list-style-type: none"><li>• A position that is clear and supported with details.</li><li>• Vocabulary that shows you know and can apply the Bill of Rights.</li><li>• Refer to rights in the Bill of Rights as evidence for your explanation and conclusion.</li></ul>        |

## Rubric

| Scoring Category                          | Score Point 3                                                                                                                     | Score Point 2                                                                                                                         | Score Point 1                                                                                                          |
|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| <b>Product reveals...</b>                 |                                                                                                                                   |                                                                                                                                       |                                                                                                                        |
| 1. knowledge of the Bill of Rights        | Cites <b>specific and relevant rights</b> embedded in the Bill of Rights.                                                         | <b>Makes vague but appropriate</b> references to rights embedded in the Bill of Rights.                                               | Cites rights <b>lacking connection</b> to the Bill of Rights.                                                          |
| 2. application of the Bill of Rights.     | <b>Appropriate</b> connections between rights listed in the Bill of Rights and positions are <b>explained convincingly</b> .      | <b>Appropriate</b> connections between rights listed in the Bill of Rights and positions are <b>explained</b> .                       | Rights are described but <b>poorly connected</b> to the Bill of Rights and/or the position taken.                      |
| 3. development of a position.             | <b>Thoroughly</b> developed position that is <b>clear and well supported</b> with details or examples.                            | <b>Partially</b> developed position that is <b>somewhat clear and adequately supported</b> with details or examples.                  | <b>Minimally</b> developed position that is <b>not clear and poorly supported</b> with details or examples.            |
| 4. use of content-appropriate vocabulary. | <b>Specific</b> content-appropriate vocabulary that <b>effectively</b> communicates understanding of Civics content and concepts. | <b>Vague or non-specific</b> content-appropriate vocabulary that <b>may</b> communicate understanding of Civics content and concepts. | <b>No</b> content-appropriate vocabulary and <b>does not</b> communicate understanding of Civics content and concepts. |

**Total Score:** \_\_\_\_\_

**Above the Standard:** 8–9 points

**Meets the Standard:** \*7 points

**Below the Standard:** 3–6 points

\*Note: Product must score at least a 2 on constructs 1 and 2 in the rubric to “meet the standard.”

## Stage 3 – Learning Plan

### Lesson One

#### Essential Question

- Why are the rights in the Bill of Rights important to American citizens?

#### Instructional Strategies

##### Strategy 1: Gathering Information

##### Think-Pair-Share

First, the teacher poses an open-ended question or problem. Each individual student takes approximately one minute to think about an answer or solution and record their thoughts. (The teacher may want to collect these notes as non-graded formative assessment evidence.) The student then pairs up with another student in order to discuss their answers or solutions together. The whole class reports in partners their various answers and solutions.

<http://www.wcer.wisc.edu/archive/cl1/CL/doingcl/thinkps.htm>

##### Think-Pair-Share

Post the essential question for students. Write the words “rights” and “responsibilities” on the board. Have students brainstorm using a Think-Pair-Share strategy and [Handout 1 – Word Webs](#) or have students construct a similar one.

Note to teacher: Keep in mind the content of the Bill of Rights as you evaluate student responses.

#### Check for Understanding

Use the following sentence starters to have students reflect upon the concepts of rights and responsibilities and what they might learn in this unit.

- ❖ Rights are like freedoms because...
- ❖ Responsibilities are important because...

This assessment checks for understanding of the Civics concepts in the K–3 benchmark. The standards become more complex as students mature, and it is important to ensure students understand the concepts of rights and responsibilities before beginning instruction for the grades 4-5 benchmark.

##### Strategy 2: Extending and Refining Categorizing

Have students work in groups of 4 to develop an understanding of the difference between children’s rights/responsibilities and adults’ rights/responsibilities.

Provide students with index cards and post-it notes or tear paper into squares. Each student needs approximately 20 squares to generate a list of rights and responsibilities of children and adults. Write these categories on the board:

- Children’s Rights
- Children’s Responsibilities
- Adults’ Rights

- Adults' Responsibilities

Have students write down words or phrases that come to mind about that topic on their slips of paper. Students state their thoughts aloud as they write them. The slips of paper are then placed in the center of the work space.

When the teacher decides enough time has elapsed, have students categorize their thoughts into the chart below. On the desk or table in front of them, they should have four columns with headings or word phrases organized under them.

| <b><i>Children's Rights</i></b> | <b><i>Children's Responsibilities</i></b> | <b><i>Adults' Rights</i></b> | <b><i>Adults' Responsibilities</i></b> |
|---------------------------------|-------------------------------------------|------------------------------|----------------------------------------|
|                                 |                                           |                              |                                        |
|                                 |                                           |                              |                                        |
|                                 |                                           |                              |                                        |

Management tip: Create a class table similar to the chart above on chart paper or butcher paper to hang in the classroom. The chart will be used later in the unit.

### Check for Understanding

- ❖ How are the rights of adults different from the rights of children?
- ❖ How are responsibilities of adults different from children?

### Rubric

- 2 – This response gives a valid difference for each item.
- 1 – This response gives a valid difference for only one item.

### Strategy 3: Extending and Refining Highlighting Text/Selective Underlining

Provide a BRIEF historical background of the Bill of Rights such as, <http://bensguide.gpo.gov/3-5/citizenship/rights.html>. The following text is intended to assist the teacher.

The fundamental reason for the Bill of Rights is to protect individual rights from the actions of a powerful central government. Many of those who attended the Philadelphia Convention in 1787 were concerned that rights of the people were not well protected. The original Constitution lacked a bill of rights. The Framers' experiences with the British government and their understanding of history suggested that governments often have enormous power and tend toward abusing it at the expense of liberty and individual rights. During the ratification debates, our Founders reached an informal agreement in which the states agreed to ratify the Constitution in exchange for the promise to include a list of rights that would protect individuals against a more powerful central government. In 1791, the First Congress added the Bill of Rights, or the first ten amendments, to the Constitution.

#### Highlighting Text/ Selective Underlining

Understanding the difference between main ideas and supporting details is important to understanding text. Using highlighters can help students gain that skill. Strategies include:

- Underline or highlight ONLY the key words, phrases, vocabulary, etc.
- Use one color for main ideas and second color for supporting details.
- Use boxes and circles or some other graphic to differentiate between main ideas and details.
- Underline or highlight cause and effect in the two different colors.

It is helpful for teachers to model this techniques for students and discuss with students what was highlighted or underlined and why, in addition to what was not underlined and why. Teachers might want to photocopy the same text for every student and practice this skill collectively as a class.

<http://www.readingquest.org/strat/underline.html>

Remember, the benchmark asks students to know the rights as well as understand the reasons for them. Some of the Amendments (e.g., Amendment 5) are multifaceted. You may wish to divide some amendments into sections and assign sections to different groups. Others are relatively abstract (e.g., 9 and 10) and more difficult to understand.

Students should be placed in groups of 4. Provide each student with a copy of the Bill of Rights. To obtain a copy of the Bill of Rights, use a textbook, reference [Handout 2 – Amendments to the Constitution](#), or go to <http://bensguide.gpo.gov/9-12/citizenship/rights.html>.

Students will examine each of the 10 amendments in the Bill of Rights in order to answer the question:

**What right is guaranteed to  
American citizens in each amendment?**

Provide each student in the group with a different color highlighter, so while students are working cooperatively, the teacher can easily recognize which are actively participating and which may be struggling. Students need to read the rights to help them with the matching activity. Use an instructional strategy such as Highlighting Text/Selective Underlining (see text box) to assist comprehension.

**Check for Understanding**

- ❖ Have students complete this [Handout 3 – Check for Understanding](#) based on the selective underlining. They should be able to refer to it throughout the unit.

**Strategy 4: Application  
Interactive Games**

Have students use an [interactive game](#) from the [National Constitution Center](#) called “Save the Bill of Rights” at <http://ratify.constitutioncenter.org/explore/ForKids/index.shtml>.

**Check for Understanding**

Now that you have learned about the rights provided to American citizens in the Bill of Rights, you are ready to answer this question.

- ❖ Which one of these rights is most important to an American citizen’s personal freedom? Explain your answer.

**Rubric**

- 2 – This response gives a valid right with accurate and relevant explanation.
- 1 – This response gives a valid right with accurate, irrelevant, or no explanation.



## Lesson Two

### Essential Question

- Why are the rights of American citizens limited?

### Instructional Strategies

#### Strategy 1: Gathering Information Think-Pair-Square

##### Phase I

*Warm-up:* Pose the following prompt to the class—“My right to throw a punch ends where the next person’s nose begins. What is the author’s point?” Discuss with the whole class emphasizing the idea that rights have limits.

*Small-Group Discussion:* Place students in small groups. Present one of the following scenarios to small groups of students and ask students to address the question—in what ways might each of these freedoms cause controversy?

- Scenario 1: People can say whatever they want and whenever they want.
- Scenario 2: People can shout fire in a crowded theater.
- Scenario 3: People can assemble to protest in a busy intersection.
- Scenario 4: People can engage in any religious practice, even if it involves using illegal drugs and sacrificing animals.
- Scenario 5: People can write anything they want and anywhere they want.

Have each group report out.

*Whole-Class Discussion:* Pose the following questions:

1. How might the unrestricted exercise of each “right” or freedom affect others in a bad way (e.g., pose a danger to others, prevent them from exercising the same right)?
2. Why might it be necessary to limit rights and freedoms even in a “free,” democratic society?
3. How might we prevent the problems associated with unlimited freedom?

Explain the concept of “Scope,” i.e., that rights and freedom have limits because unlimited freedom threatens the rights, freedom, and safety of others.” Have students give other examples of appropriate limits on rights. Then, have the students take each scenario and construct a new “scope (not bill) of rights” that considers the rights of others and the negative impact of unrestrained freedom.

##### Phase II:

Students will use this strategy to generate a list that illustrates how their rights are limited by rules in a school.

Refer to [Handout 4](#). Have students label one side of a T-chart *rights* and the other side *rules that limit rights*. Students should use the graphic organizer to record their responses to the following questions:

##### Think-Pair-Square

This activity is built on the foundation of Think-Pair-Share. After Think-Pair-Share takes place, the partners team up with another set of partners creating a group of four students. Each group compares the two sets of answers or solutions. From the two sets, the group decides on a compromise. The whole class reports out on their decisions.

<http://www.wcer.wisc.edu/archive/cl1/CL/doingcl/thinksq.htm>

- What rights do students have in the classroom or the school? (Possible responses – to learn, not be bullied, to attend, to participate, free speech, due process for discipline)
- In what ways are any of these rights limited? Why are they limited? (Possible responses – free speech – cannot say anything you want because it may offend others and cause fights; some words are offensive to others and may cause disruptions that interfere with the right of others to learn, etc.)

### Check for Understanding

- ❖ Why might understanding the Bill of Rights be considered a civic responsibility? Support your answer with an example.

### Rubric

2 - This response gives a valid reason with an accurate and relevant example.

1 - This response gives a valid reason with an inaccurate, irrelevant, or no example.

### Sample Responses

2 - Understanding the Bill of Rights empowers you to protect yourself and others from abuse. For example, someone might be punished unfairly if he/she was unaware of his/her right to due process.

1 - If you do not know your rights, it is easier for someone to take them away.

### Strategy 2: Extending and Refining

Students may need assistance to draw conclusions from the scenarios. As an example in using inductive reasoning, teachers may view [Lesson 1, Strategy 2 from the Delaware Recommended Curriculum unit titled, \*Writing the Story of the Past\*](#).

### Inductive Reasoning

Students will work in groups of 2-3 to construct generalizations from scenarios related to the rights in the Bill of Rights—distribute [Handout 5 – Scenarios](#). By focusing on pieces of information and observation, students can identify a pattern or connection that is likely to be true.

Instruct students that today they will examine situations related to the Bill of Rights to see how far the rights extend to everyone.

Distribute [Handout 6 – Graphic Organizer](#) to each group of 2-3 students. Students should use the graphic organizer to record their responses to the following tasks:

- Identify the Amendment most closely related to each situation (1 through 5);
- Use language from the Bill of Rights to explain why you think so; and
- Identify the inappropriate behavior that should be limited.

Have students complete the check for understanding at the bottom.

When all groups have finished, select a group to read a situation (1 through 5) and their recorded responses. After the situation is read aloud, have students in the class agree or disagree with a “thumbs up” for YES or a “thumbs down” for NO. The presenting group will then share their answer and explanation. Have students complete the check for understanding at the bottom.

### Check for Understanding

- ❖ Think of another situation in which a person's rights should be limited. Explain why.

#### Rubric

2 – This response gives a valid situation in which a person's rights should be limited with an accurate and relevant explanation.

1 – This response gives a valid situation in which a person's rights should be limited with an inaccurate, irrelevant, or no explanation.

### Strategy 3: Application Timed-Pair-Paraphrase

Have pairs of students look at the graphic organizer from Strategy 2. In this strategy (see text box to the right), students take turns verbalizing a response to the question:

- What can you conclude about your rights and why they can be limited?

Possible responses: The teacher should look for pairs of students to make generalizations similar to the following:

- *Keeping your rights doesn't mean you can ignore the rights of others. It has to be balanced.*
- *You can't have your rights when you're breaking the law.*
- *Your rights don't count when it might hurt people.*

#### Timed-Pair-Paraphrase

Students get together with a partner.

The teacher should decide which partner will go first. For instance, the teacher may instruct one student, "Please answer the question aloud to your partner. You have two minutes. If you stop sharing, ask questions."

Set a timer. After whatever number of minutes you feel appropriate, have each student tell what the other just said. "The paraphrase might start, 'I heard you say...'" Ask students to share with the whole class what their partners said. Reverse the process.

This strategy requires all students to participate in the discussion.

Source: Betty Hollas, *Differentiated Instruction in a Whole-Group Setting*, c. 2005. Crystal Springs Books, pg. 10.

### Check for Understanding

- ❖ How should we decide when a person's rights should be limited? Support your answer with an example.

#### Rubric

2 – This response gives a valid explanation with an accurate and relevant example.

1 – This response gives a valid explanation with an inaccurate, irrelevant, or no example.

### Check for Understanding

The following headline appeared in a local newspaper:

#### ***Citizen's Group Plans Protest at Town Council Meeting***

- ❖ Why does the citizen's group have a responsibility to protest peacefully? Explain your answer.

#### Rubric

2 – This response gives a valid reason with an accurate and relevant explanation.

1 – This response gives a valid reason with an inaccurate, irrelevant, or no explanation.

**Check for Understanding**

***A town mayor has decided to ban skateboarding in a local park.***

Which is the most appropriate way to protest the mayor's decision?

- A. Throw away your skateboard
- B. Spread lies about the mayor
- C. Start a petition to change the law
- D. Put signs on the mayor's front lawn

**Correct Response: c**

## Lesson Three

### Essential Question

- In what ways is the Bill of Rights applied in everyday life?

### Instructional Strategies

#### Strategy 1: Gathering Information

##### Think-Pair-Share

First, the teacher poses an open-ended question or problem. Each individual student takes approximately one minute to think about an answer or solution and record their thoughts. (The teacher may want to collect these notes as non-graded formative assessment evidence.) The student then pairs up with another student to discuss their answers or solutions together. The whole class reports in partners their various answers and solutions.

<http://www.wcer.wisc.edu/archive/cl1/CL/doingcl/thinkps.htm>

#### Think-Pair-Share

Students will work in pairs to analyze a series of images in order to match them with an amendment from the Bill of Rights.

The teacher displays the four images from [Handout 7](#). The teacher should allow enough time for students to examine the images and come back to an image if necessary.

Students should answer these questions using a Think-Pair-Share strategy for each image, and then create a chart similar to the one below to assist in organizing the responses.

- Which amendment could be used to help explain what is going on in the image?
- How is the Bill of Rights applied in this image?

| Image | Amendment |
|-------|-----------|
| 1     |           |
| 2     |           |
| 3     |           |
| 4     |           |

#### Responses:

- Image 1 – 1<sup>st</sup> Amendment—freedom of the press
- Image 2 – 7<sup>th</sup> Amendment—cruel and unusual punishment
- Image 3 – 7<sup>th</sup> Amendment—excessive bail
- Image 4 – 1<sup>st</sup> Amendment—freedom of speech, assemble, petition

### Check for Understanding

Using an image that you select or from the strategy, choose one that you feel portrays the most important right provided to American citizens by the Bill of Rights.

- ❖ Why is this right important to American citizens? Explain your answer.

***Rubric***

2 – This response gives a valid reason with an accurate and relevant explanation.

1 – This response gives a valid reason with an inaccurate or no explanation.

**Strategy 2: Extending and Refining  
Categorizing**

For this strategy, students use the chart that compares the rights and responsibilities of children and adults from Lesson 1, Strategy 2. Students should also have the Bill of Rights, side by side with the chart.

Have students work in pairs to apply the numbered amendments in the Bill of Rights to the rights of children and adults found in the chart. Students should consider the question:

- Which amendment in the Bill of Rights guarantees the rights on this chart?

For example, if one of the listed rights for a child is to write a letter to an authority figure (principal or teacher) with concerns about the school, then that right is guaranteed by the 1<sup>st</sup> Amendment (freedom to petition).

|                                                                  |                                                    |
|------------------------------------------------------------------|----------------------------------------------------|
| <b>Children’s Rights</b>                                         | 1 <sup>st</sup> Amendment<br>(freedom to petition) |
| <i>write a letter to the principal about the dirty bathrooms</i> |                                                    |

**Check for Understanding**

Refer to [Handout 8](#).

- ❖ Why are the rights in the Bill of Rights important to American citizens? Explain your answer.

**Strategy 3: Extending and Refining  
Categorizing**

Students will need a copy of the Bill of Rights for this strategy. To obtain a copy of the Bill of Rights teachers can go to: <http://bensguide.gpo.gov/9-12/citizenship/rights.html>.

Provide a three-column chart as in Handout 9 to each team of four. The students should decide into which column the situation best fits.

| <b>Freedom of Expression</b> | <b>Fair Treatment by Police and Courts</b> | <b>Equality for All</b> |
|------------------------------|--------------------------------------------|-------------------------|
|                              |                                            |                         |
|                              |                                            |                         |
|                              |                                            |                         |

Students will categorize situations that depict the rights in action into the appropriate column.

4. A man is sentenced to death for stealing an orange. (Fair treatment by police and courts)
5. A state medical school turns down an applicant because she is a woman. (Equality for all)
6. A city bans all meetings by Communists. (Freedom of expression/freedom of assembly and freedom of speech)
7. In wartime, a man is required to join the army, even though his religion forbids people to be soldiers. (Freedom of expression/freedom of religion)

8. A prisoner cannot find out why he is being kept in jail. (Fair treatment by police and courts)
9. Election officials make all people of one race take a special exam—they can vote only if they pass the exam. (Equality for all)
10. On the spur of the moment, the police search all the houses on your block just because there have been thefts in the neighborhood. (Fair treatment by police and courts)
11. A court refuses to provide a free lawyer for a poor man accused of robbery. (Fair treatment by police and courts)
12. The mayor of a town threatens to close down the local newspaper if it publishes a story accusing her of wrongdoing. (Freedom of expression/freedom of the press)
13. Your friend is arrested for passing out fliers criticizing U.S. involvement in Central America. (Freedom of expression/freedom of speech)
14. A city gives permits to certain members of one religious group to give religious talks in the public park, but it refuses a permit to members of another religion. (Freedom of expression/freedom of religion; equality for all)

#### **Strategy 4: Application**

#### **Analysis of Supreme Court Cases**

Remind students that now that they learned about the Bill of Rights. They have carefully considered how rights can be limited by rules and why rights need to be limited by rules. It is now time for them to apply this learning to actual court cases and decide if people's rights have been applied and limited in a fair or unfair manner.

*Tinker vs. Des Moines*, 1969

Discussion Questions for Tinker Image:

1. How would you describe the two people in this picture?
2. Why do you think they are holding black armbands?

Using case notes, have students learn about the issues of this case that went before the Supreme Court. A summary of the case can be found at <http://www.landmarkcases.org/tinker/home.html/>.

At this site, teachers will find a summary with three different reading levels and discussion questions to use to guide reading.

Have students read the summary with a partner. Have each student independently consider the following:

1. Do students have a right to freedom of expression in school? Why or why not?
2. Do school officials have the right to limit freedom of expression? Why or why not?

Explain that the Supreme Court decides cases by majority vote. Explain majority vote and have the class vote to rule on the case. Tell students, "Now that you have had a chance to discuss the case, you will vote on the case." It may be best to do a secret vote. Have them write their vote on a marker board or put their heads down to vote.

Discuss the actual Supreme Court decision with students. Why might the Supreme Court have differed from the opinion of some students?

Teachers will need to judge if students need a brief lesson on the difference between fair and unfair. [See the Smithsonian Education lesson, Making Rules and Rights Work Fairly in Everyday Situations.](#) Teachers are cautioned that this lesson is not completely aligned to Delaware Civics Standards but can be a resource.



<http://www.rightsmatter.org/images/tinkers.gif>



Repeat the same process as in the *Tinker vs. Des Moines* case with the following case *New Jersey vs. T.L.O.*, 1985

Students enjoy this because it involves search and seizure. A summary of the case can be found at <http://www.landmarkcases.org/newjersey/home.html>.

Display an image of students walking into school with their bookbags. Use the image located at [http://www.kare11.com/assetpool/images/0695184142\\_backpacks-hd.jpg](http://www.kare11.com/assetpool/images/0695184142_backpacks-hd.jpg) or find an image suitable for use in your classroom.

Discussion Questions for the *New Jersey vs. T.L.O.* Image:

1. Why might school officials need to search a backpack?
2. What amendment might protect the privacy of students' backpacks?

Discuss the actual Supreme Court decision with students.

Why might the Supreme Court have differed from the opinion of some students?

Have each student independently consider the following questions:

1. Does the Fourth Amendment protect students from searches by officials?
2. Under what circumstances, if any, can school officials search students or their belongings?

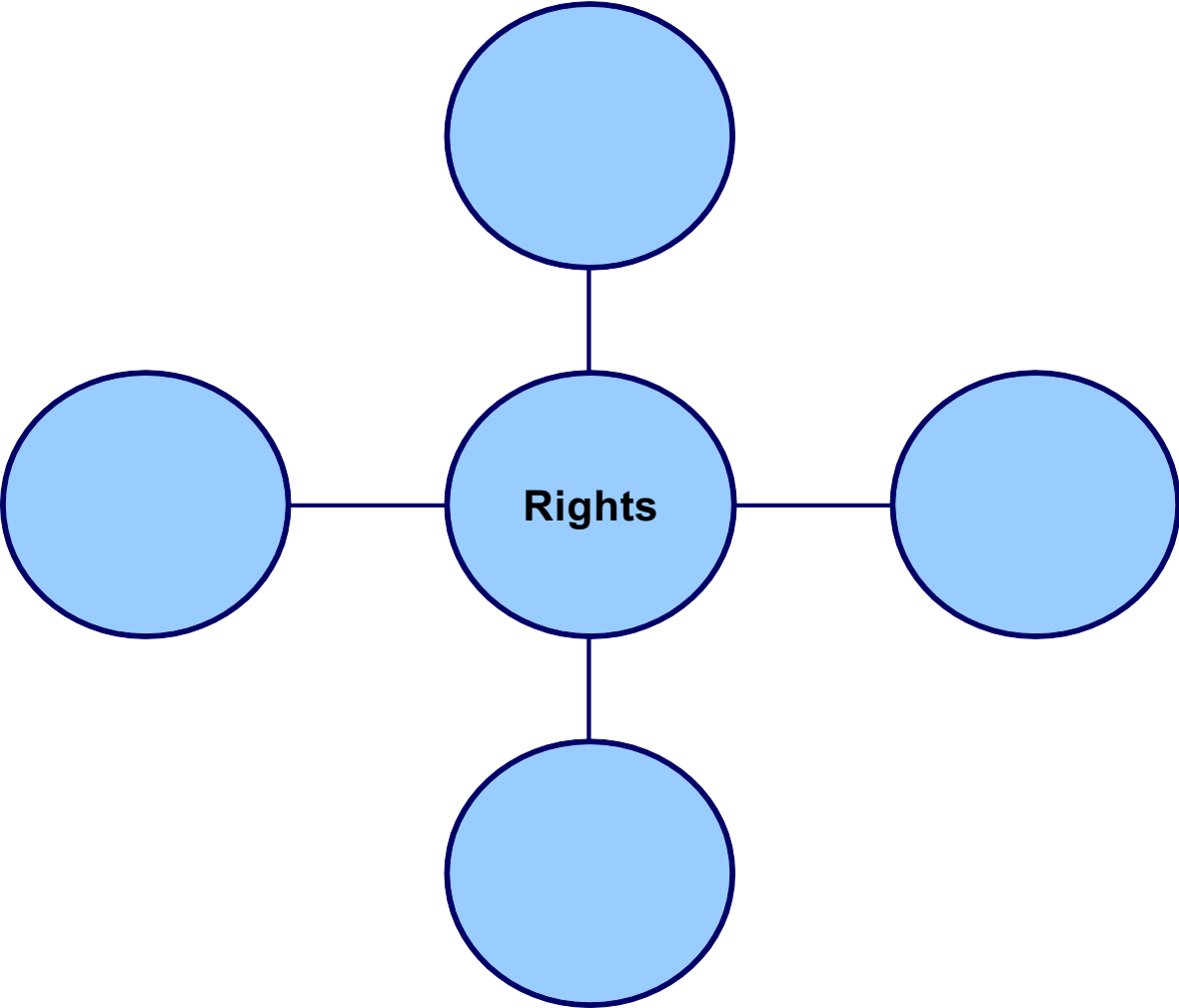
### **Check for Understanding**

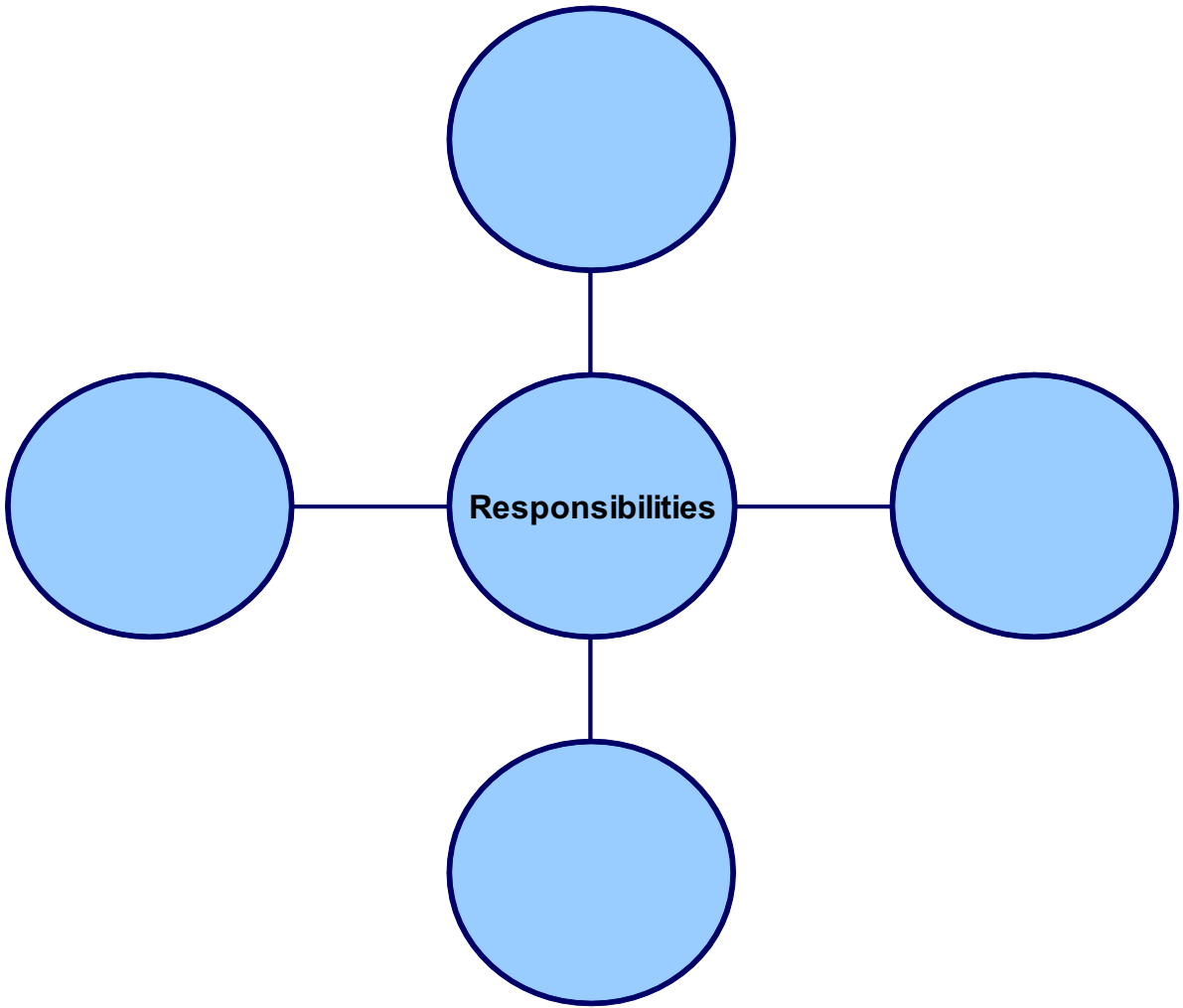
- ❖ How does the Supreme Court protect the rights of citizens? Explain your answer with an example.

### **Rubric**

- 2 – This response gives a valid explanation with an accurate and relevant example.
- 1 – This response gives a valid explanation with an inaccurate, irrelevant, or no example.

**Handout 1 – Word Webs**





## ***Handout 2 – Amendments to the Constitution of the United States***

(Amendments I to X, known as the Bill of Rights, were proposed and sent to the states by the first session of the First Congress. They were ratified Dec. 15, 1791.)

**Amendment I** – [Freedom of religion, speech, press, to assemble and right of petition.]

**Amendment II** – [Right of people to bear arms not to be infringed.]

**Amendment III** – [Quartering of troops.]

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.

**Amendment IV** – [Persons and houses to be secure from unreasonable searches and seizures.]

**Amendment V** – [Trials for crimes; just compensation for private property taken for public use.]

If a person is accused of a crime that is punishable by death or other serious crimes, a grand jury must decide if there is enough evidence to hold a trial, a person cannot be tried twice for the same crime, a person can't be forced to testify against themselves, and they must be given a fair trial.

**Amendment VI** – [Civil rights in trials for crimes.]

The right to a speedy and public trial, the right to a trial by a jury, the right to have a lawyer.

**Amendment VII** – [Civil rights in court cases.]

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 re-examined in any court of the United States, than according to the rules of the common law.

**Amendment VIII** – [Excessive bail, fines, and punishments not allowed.]

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

**Amendment IX** – [Reserved rights of people.]

The government must respect all rights, whether they are listed in the Constitution or not.

**Amendment X** – [Powers not delegated, reserved to states and people respectively.]

Any powers not given to the federal government or denied to the states belong to the states or the people.

**Listed below are three additional amendments added to the Constitution that also deal with the rights of the people.**

\*\*\*\*\*

**Amendment XIV** (1868) – [Citizenship defined; privileges of citizens.]

All persons born or naturalized in the United States are citizens of the United States and of the State wherein they live. No State shall make or enforce any law which shall reduce the privileges or liberties of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person the equal protection of the laws.

**Amendment XV** (1870) – [Right of certain citizens to vote established.]

The right of citizens of the United States to vote shall not be denied by the United States or by any State on account of race, color, or previous condition of servitude (e.g. slaves).

**Amendment XIX** (1920) – [The right of women to vote shall not be denied.]

**Handout 3 – Check for Understanding**

| <b>Amendment</b> | <b>Highlighted text to help you understand the rights guaranteed to American citizens</b> |
|------------------|-------------------------------------------------------------------------------------------|
| 1                |                                                                                           |
| 2                |                                                                                           |
| 3                |                                                                                           |
| 4                |                                                                                           |
| 5                |                                                                                           |
| 6                |                                                                                           |
| 7                |                                                                                           |
| 8                |                                                                                           |
| 9                |                                                                                           |
| 10               |                                                                                           |

**Handout 4 – T-Chart**

| <b>Rights</b> | <b>Rules That Limit Rights</b> |
|---------------|--------------------------------|
|               |                                |

## ***Handout 5 – Scenarios***

1. My town decided to sell the land where my neighborhood playground is located. My friends and I were upset about this decision. We got together and staged a protest by throwing trash on the steps of the town hall.
2. John has a collection of antique rifles, shotguns, and handguns in a locked glass case. His neighbor is afraid of guns, so he sneaks into John's house, removes the guns, and hands them over to the police.
3. John had his bike stolen from his front porch and reported the incident to the police. John thought a new neighbor had taken the bike, so he posted a blog warning everyone about the new thief in the neighborhood.
4. On the way home from school, I stopped at the mall to buy a video game. As I was leaving the store, I was approached by a mall security guard. He noticed my book bag and began to question me about a CD that had been reported stolen. I asked to call my mom, but he said no and opened my book bag.
5. While watching a movie in a crowded theater, someone yells "FIRE!" Several people fall as they rush out of the theater.



**Handout 6 – Graphic Organizer**

| <b>Situation Number</b> | <b>Which amendment is most closely related to the situation?</b> | <b>Use language from the Bill of Rights to explain why you think so.</b> | <b>What behavior is inappropriate and should be limited?</b> |
|-------------------------|------------------------------------------------------------------|--------------------------------------------------------------------------|--------------------------------------------------------------|
| 1                       |                                                                  |                                                                          |                                                              |
| 2                       |                                                                  |                                                                          |                                                              |
| 3                       |                                                                  |                                                                          |                                                              |
| 4                       |                                                                  |                                                                          |                                                              |
| 5                       |                                                                  |                                                                          |                                                              |

**Check for Understanding**

After completing this chart, what does this suggest to you about why rights may be limited?

## Handout 7 – Bill of Rights Presentation

Lesson 3, Strategy 1

Roy Takeno reads a copy of the Manzanar Free Press in front of the newspaper office, mountains in the background.

[Adams, Ansel, 1902-1984,](#) photographer.

Created/Published [1943]

[http://memory.loc.gov/cgi-bin/query/r?ammem/manz:@field\(NUMBER%2B@band\(ppprs%2B00004\)\);displayType=1:m856sd=ppprs:m856sf=00004](http://memory.loc.gov/cgi-bin/query/r?ammem/manz:@field(NUMBER%2B@band(ppprs%2B00004));displayType=1:m856sd=ppprs:m856sf=00004)



Lesson 3, Strategy 1

To punish criminals, a two-story whipping post and pillory was located behind the New Castle County Courthouse. This photograph was taken about 1900.

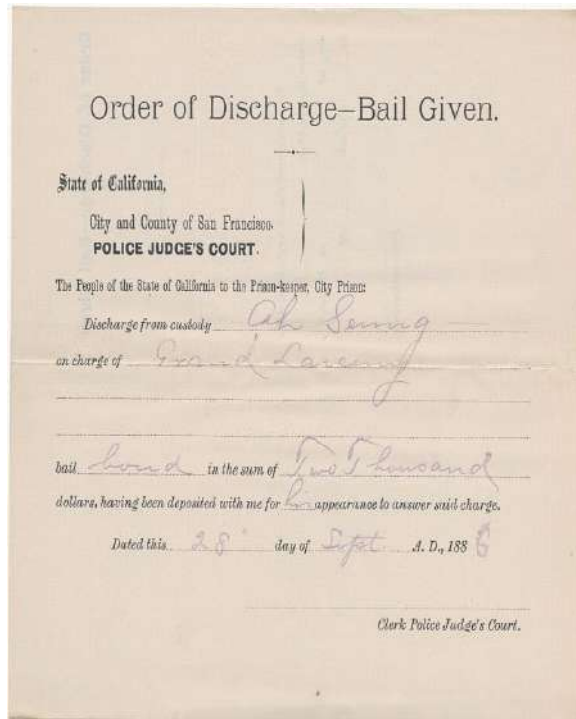
[http://archives.delaware.gov/100/other\\_stories/Enforcing%20the%20Law.shtml](http://archives.delaware.gov/100/other_stories/Enforcing%20the%20Law.shtml)



Lesson 3, Strategy 1

**"Order of Discharge -- Bail Given," dated September 28, 1886. It comes from the Police Judge's Court in San Francisco and is addressed to the Prison-keeper of the City Prison, directing him to discharge Ah Seung from custody because a bail bond had been deposited to assure his appearance to answer the grand larceny charge against him.**

[http://ucblibrary3.berkeley.edu/cgi-bin/flipomatic/cic/images@ViewImage?img=chs00001213\\_116a](http://ucblibrary3.berkeley.edu/cgi-bin/flipomatic/cic/images@ViewImage?img=chs00001213_116a)



Photograph of fourteen suffragists in overcoats on picket line, holding suffrage banners in front of the White House. One banner reads: "Mr. President How Long Must Women Wait For Liberty". White House visible in background.

Photographer: [Harris & Ewing, Washington, D.C.](#)  
Created/Published 1917

[http://memory.loc.gov/cgi-bin/query/r?ammem/mnwp:@field\(DOCID+@lit\(mnwp000212\)\)](http://memory.loc.gov/cgi-bin/query/r?ammem/mnwp:@field(DOCID+@lit(mnwp000212)))

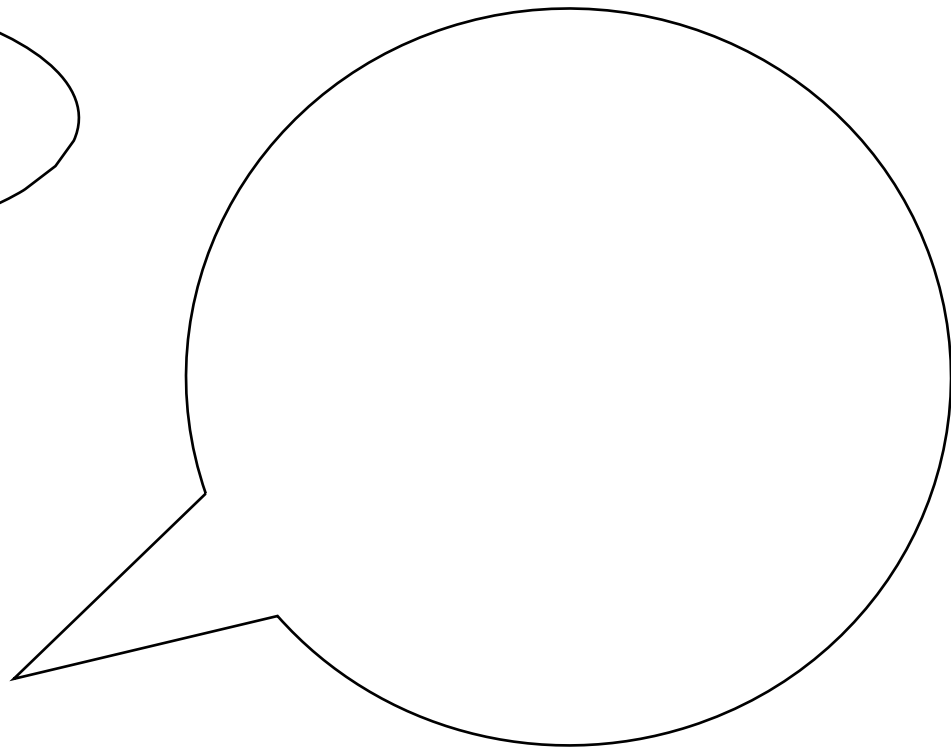
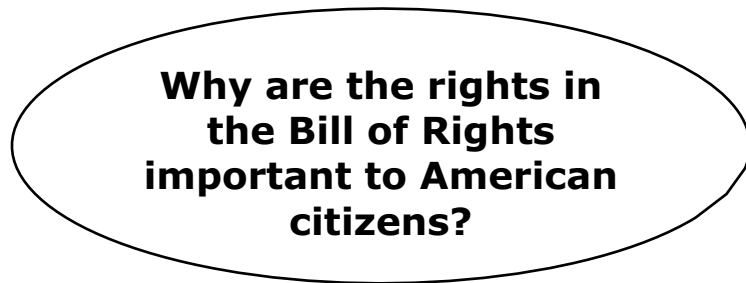


Lesson 3, Strategy 1



**Handout 8 – Check for Understanding**

Have students complete a thought bubble with words and/or pictures to show what they think about when they answer the following question.



**Student Name** \_\_\_\_\_

**Handout 9 – Three-Column Chart**

| Freedom of Expression | Fair Treatment by Police and Courts | Equality for All |
|-----------------------|-------------------------------------|------------------|
|                       |                                     |                  |

Read the situations below. Place the number of the situation into the column above by deciding whether the situation describes *Freedom of Expression*, *Fair Treatment by Police and Courts*, or *Equality for All*.

1. A man is sentenced to death for stealing an orange.
2. A state medical school turns down an applicant because she is a woman.
3. A city bans all meetings by Communists.
4. In wartime, a man is required to join the army, even though his religion forbids people to be soldiers.
5. A prisoner cannot find out why he is being kept in jail.
6. Election officials make all people of one race take a special exam—they can vote only if they pass the exam.
7. On the spur of the moment, the police search all the houses on your block, just because there have been thefts in the neighborhood.
8. A court refuses to provide a free lawyer for a poor man accused of robbery.
9. The mayor of a town threatens to close down the local newspaper if it publishes a story accusing her of wrongdoing.
10. Your friend is arrested for passing out fliers criticizing U.S. involvement in Central America.
11. A city gives permits to certain members of one religious group to give religious talks in the public park, but it refuses a permit to members of another religion.