

Lesson 3: What is in the Bill of Rights?

Lesson Abstract: Although the federal government only has the powers enumerated in the Constitution, the Bill of Rights provides explicit protections against governmental action. The inclusion of the Bill of Rights was the result of a hard fought debate between Federalists and Anti-Federalists. As a result, the Bill of Rights was adopted in 1791 to provide explicit protection for a variety of political, personal, and economic rights.

Content Expectations: C3.2.3; C3.2.4; C5.3.1; C5.3.2; C5.3.3; C5.3.4

Common Core State Standards for Literacy in History and Social Studies: RH.9-10.2, 4, and 10; WHST.9-10.9 and 10.

Key Concepts:

- constitutional supremacy
- government (state) action
- individual rights
- rule of law

Teacher Note: Students explored “The Bill of Rights as a Limit to Power” in Lesson 8 of Unit 2. Step 1 of this lesson is intended to resurface students’ prior knowledge. This lesson provides an overview of the rights in the Bill of Rights. The remainder of the lessons in this unit provides a deeper look at particular amendments (1, 4, 5, 6, and 8), as well as due process and equal protection under the Fourteenth Amendment.

Lesson Sequence:

1. Begin the lesson by having students engage in a quick write in their Citizenship Notebook in response to the following question: “What do you know about the Bill of Rights?” Allow students about 3-5 minutes to write and then share their responses with a partner. Then debrief ideas about the Bill of Rights with the whole class by eliciting a few responses. Prompt student thinking with the following questions: What is the Bill of Rights? Why did the Framers include the Bill of Rights? What is protected in the Bill of Rights? What does the Bill of Rights protect people from? List students’ ideas on the board as they are presented. Guide students to the following ideas about the Bill of Rights:
 - It includes the first ten amendments to the U.S. Constitution.
 - There was an agreement during the ratification process that a Bill of Rights would be added, and the amendments that would become the Bill of Rights were passed by the first Congress. These amendments then had to be ratified by the states. Twelve amendments were sent to the states for ratification, only ten of which were ratified.¹
 - It protects a variety of individual rights. Students’ answers will vary but may include freedom of speech, religion, and press, the right to bear arms, right to attorney, freedom from unreasonable search and seizure, etc.

¹ The original first amendment addressed apportionment. Had the amendment been ratified, the number of members of the House of Representatives could by now be over 6,000, compared to the present 435. The original second amendment as voted on, but rejected by the states in 1789, addressed congressional pay. Though not ratified at the time, the original second amendment is now reflected in the 27th Amendment, which was eventually ratified in 1992, 203 years after it was first proposed.

- They were adopted to protect people from the power of government.

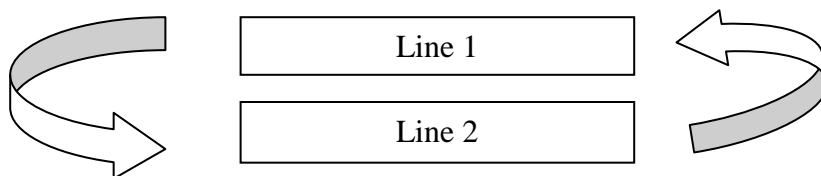
For additional background, show students the video clip “The Story of the Bill of Rights” at <http://www.annenbergclassroom.org/page/the-story-of-the-bill-of-rights> (this is a 16 minute video).

2. Pass out a copy of the handout “**Exploring the Bill of Rights**” located in the *Supplemental Materials (Unit 5, Lesson 3)* to each student. Have students use a copy of the Bill of Rights found in their textbook for the following activity. Working with a partner, have students engage in a Think Aloud as they read the first ten amendments. In a Think Aloud, a student not only reads the text out loud to their partner, but makes their thinking about the text evident by explaining what they are thinking as they read. Have students alternate through the amendments, allowing time for them to summarize the meaning of each in the second column of the handout as they move through the list. It may be helpful to post a timer up for the class to keep track of their time. Instruct students to spend no more than two minutes per amendment. Remind them they are only completing the second column on the chart.
3. Next, explain to students that they will be considering a few amendments, how each may limit the power of government, and how each may promote democracy or the common good (the third and fourth columns on the handout). Using the Third Amendment, model the procedure for the class. Be sure to demonstrate your thinking to students. For example:
 - The Third Amendment prevents the government from putting troops, like the army or police, inside your house. The government can never do this during peacetime unless the homeowner agrees. During wartime, the government must pass a law to put troops in people’s homes.
 - Because this amendment says the government **cannot** do something, it is a direct limit on the government’s power.
 - During the lead up to the Revolutionary War, the British government required colonists to house (and feed) their troops by passing what was known as the Quartering Act in 1765. For the colonists, who had been left alone for the period of salutary neglect, this was an invasion of privacy and property. Colonists’ anger with the British presence in towns and homes became evident with the Boston Massacre in 1770.
 - As far as protecting democracy, people need to feel free in their thoughts and homes. This amendment helps promote democracy by enabling people to feel free in their discourse about public issues in their homes. The amendment requires people to consent (agree) to have troops in their homes when the country is not at war. This places control in the hands of the people. During wartime, congressional approval is needed, placing control in people’s elected representatives.
4. Combine pairs into quads. Assign each group three amendments clustered as follows: Group A = Amendments 1, 2, and 4; Group B = Amendments 5, 6, and 7; Group C = Amendments 8, 9, and 10. Have the groups discuss their assigned amendments, answering the questions in the third and fourth columns: How does this limit the power of government? How does this promote democracy? Be sure students know that they will be reporting the results of their discussion to the whole class. Allow students about 15 minutes to briefly discuss their assigned amendments (about 5 minutes each) and record their answers on the handout.
5. Reconvene the class and have each group report out, but organize the presentations by amendments. For example, begin with groups who were assigned the First Amendment and have

them present their results. Since more than one group will be reporting on the same amendment, it is important for the other students to support, extend or challenge previously stated ideas. After all groups have presented their findings on the First Amendment, briefly discuss the results and have students record information on their charts. During the discussion, point out to students that the rights in the Bill of Rights are political, personal, and economic in nature.

- Political Rights: the right to play a role in the political process: vote, join a political party or practice the freedom of expression.
- Personal Rights: the right to due process, freedom of expression and religion.
- Economic Rights: just compensation for taking of private property for public use, due process, the right to determine your own job and how you spend your earned income: choose a career, own private property, associate with people, and buy a house.²

6. Next, allow time for students to reflect on the importance of the amendments to **them** by ranking them in the final column. This should be done individually. Make sure students use the same ranking system -- with 1 being the most important and 10 the least. There can be NO TIES! To help students think about the ranking, have students consider their own views on the importance of limited government, individual rights, democracy, and the common good.
7. Have students defend their rankings by using a conversation line. Divide the students into two groups. Have group one stand in a single-file line. Have group two also stand in a single-file line facing group one. Tell the students that only **one** line can speak at a time, and they will be answering the following questions: Which TWO of the first ten amendments are the most important? Why? The students in Line 1 speak for 3 minutes, during that time the students in the Line 2 only listen. After three minutes, the students in Line 2 answer the same question, while the students in Line 1 listen. Upon the conclusion of second three-minute discussion, have one line shuffle down to a new partner. This will require students at the ends of the lines to shift to the other line.



Repeat the conversation line with the news pairs and hopefully new information! Shift the line one final time and complete the third set of three-minute conversations.

8. Conclude the lesson by having the students write reflectively in their Citizenship Notebook in response to the question: Why is the Bill of Rights important? Be sure students support their answers with evidence (examples of amendments and reasoning).

Assessment

Informal assessment may take place during the conversation line. Additionally, students' responses from the reflective writing in Step 8 may serve as an assessment of student understanding.

² **Teacher Note:** The distinction among political, personal, and economic rights in the Bill of Rights refers to three specific civics expectations (C5.3.1, C5.3.2, C5.3.3) in the Michigan standards. However, the distinction among these categories is less than clear and not conducive to effective instruction on the Bill of Rights.

Reference Section

Content Expectations

- C3.2.3:** Identify specific provisions in the Constitution that limit the power of the federal government.
- C3.2.4:** Explain the role of the Bill of Rights and each of its amendments in restraining the power of government over individuals.
- C5.3.1:** Identify and explain personal rights (e.g., freedom of thought, conscience, expression, association, movement and residence, the right to privacy, personal autonomy, due process of law, free exercise of religion, and equal protection of the law).
- C5.3.2:** Identify and explain political rights (e.g., freedom of speech, press, assembly, and petition; and the right to vote and run for public office).
- C5.3.3:** Identify and explain economic rights (e.g., the right to acquire, use, transfer, and dispose of property, choose one's work and change employment, join labor unions and professional associations, establish and operate a business, copyright protection, enter into lawful contracts, and just compensation for taking of private property for public use).
- C5.3.4:** Describe the relationship between personal, political, and economic rights and how they can sometimes conflict. (also addresses C5.3.1, C5.3.2, C5.3.3).

Common Core State Standards for Literacy in History/Social Studies

- RH.9-10.2:** Determine the central ideas or information of a primary or secondary source; provide an accurate summary of how key events or ideas develop over the course of the text.
- RH.9-10.4:** Determine the meaning of words and phrases as they are used in a text, including vocabulary describing political, social, or economic aspects of history/social studies.
- RH.9-10.10:** By the end of grade 10, read and comprehend history/social studies texts in the grades 9-10 text complexity band independently and proficiently.
- WHST.9-10.9:** Draw evidence from informational texts to support analysis, reflection, and research.
- WHST.9-10.10:** Write routinely over extended time frames (time for reflection and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.

Instructional Resources

Equipment/Manipulative
Computer with Projector

Student Resource

"Bill of Rights." *Charters of Freedom*. National Archives and Records Administration. 7 Jan. 2013
<http://www.archives.gov/exhibits/charters/bill_of_rights_transcript.html>.

Evans, Tammy and Angela LoPiccolo. *Supplemental Materials (Unit 5, Lesson 3)*. Teacher-made Materials. Oakland Schools. 2012.

The Story of the Bill of Rights. Annenberg Classroom. The Leonore Annenberg Institute for Civics. 7 Jan. 2013 <<http://www.annenbergclassroom.org/page/the-story-of-the-bill-of-rights>>.

Teacher Resource

Bill of Rights. Legal Information Institute. Cornell University Law School. 7 Jan. 2013
<<http://www.law.cornell.edu/constitution/billofrights>>.