Lesson 6.11 "Bill of Rights"

Unit 6: Establishing Government

Lesson Objectives

- Students will explain why a Bill of Rights was added to the Constitution.
- Students will apply the Bill of Right to modern scenarios.
- Students will identify situations where amendments are upheld or violated.

Lesson Competencies

- I can identify, explain, and analyze the core civic practices and foundational principles that guide governments and communities. (Moose SS)
- I can analyze, interpret, evaluate, and use information delivered orally or visually. (ELA 7)

Essential Questions

How has New Hampshire come to be the way it is?

Focus Questions

What are the foundational principles of our government?
What are the protected rights of the people?

Estimated Time

One 45-minute class session

Materials & Equipment

3-2-1! The Bill of Rights handout for distribution
Unit 6, Learn It! "The Bill of Rights," pp. 1–2
Video: "Mason Explains: First Amendment Rights"
Class set of "The Bill of Rights" infographic
Single set of "Bill of Rights Scenario Game" cards
"Bill of Rights Scenario Game" printed or projected

Educator Introduction & Rationale

When the Bill of Rights was adopted in 1791, these first ten amendments to the U.S. Constitution listed protected rights of its citizens—rights that the federal government could not infringe upon. Unlike the rest of the Constitution, which lays out the form of government and explains what the federal government can do, the Bill of Rights identifies what the federal government cannot do. The rights specified are reserved to the people and the states. These rights, like freedom of speech and religion, are some of the most cherished concepts of American democracy.

But they are also among the most controversial. Through the courts, many of these rights have been tested and challenged. Are these rights absolute, or is the government allowed to place some limits or restrictions on them to protect others? What happens when one person's rights come up against another person's rights? Whose rights should take precedence? These are the types of questions with which American courts wrestle.

In recent years, there have been questions about whether the Bill of Rights applies *only* to the federal government, or if state governments must respect those rights as well. When the Framers originally wrote the Bill of Rights, they intended to only limit the power of the federal government. States had their own bills of rights in their constitutions, so expanding the Bill of Rights to state governments seemed redundant. But the constitutional questions raised by slavery challenged this view. How could someone be viewed as a person in one state and property in another? The 14th Amendment, passed in the aftermath of the Civil War, expanded the protection offered by the Bill of Rights by requiring state governments to abide by at least some of the Bill of Rights as well. Gradually, in a series of court decisions held over many years, the Bill of Rights were increasingly imposed on state governments, a process known as incorporation. Over the past decade, some political factions in the United States have begun to challenge the incorporation of federal limits on state governments, making the argument that this interpretation of the 14th Amendment is unconstitutional because it was not what the Framers intended. Others argue that these rights are too fundamental to Americans to be infringed upon by *any* government—local, state, or national.

This is the fifth lesson for middle school students in Unit 6: Establishing Government. In this lesson, students will begin with an activation that illustrates the importance of fair rules that protect people's rights. Then, students will practice identifying the rights protected by the Bill of Rights with a game that connects modern scenarios to the ideas behind each of these ten amendments. Finally, an extension activity is recommended for students who are ready to practice research skills to identify current events that connect to the Bill of Rights.

Please adapt all the material in this lesson, as necessary, to meet the needs of the students in your classroom. Note that lesson vocabulary and definitions are at the end of the document. You may wish to preview these with your students.

Learning Activity

Activation

Understanding rights. Get students thinking about rights with a brainstorming session about the rights they believe are protected from the government. Write their answers on a sheet of paper that everyone can see. Cross out any responses that are not actually rights (students sometimes confuse rights and rules).

Then hand out to students a simple 3-2-1 exercise. List the most interesting questions on the board for later exploration.

Direct Instruction

The Bill of Rights. Direct students to read Unit 6, Learn It! "The Bill of Rights" pp. 1–2. Students could also watch "Mason Explains: First Amendment Rights," which goes deeper into freedom of expressions protected in the First Amendment.

Students should be able to answer the question, why was the Bill of Rights included in the U.S. Constitution?

Distribute "The Bill of Rights" infographic and review with students. Discuss any unfamiliar vocabulary and how the amendments can be divided into three groups:

- Amendments 1–4: Protect individual liberties
- Amendments 5–8: Protect the rights of the accused and convicted of crimes
- Amendments 9–10: Protect state governments from the national government becoming too powerful

Then revisit the list of rights compiled during the activation and see which ones are protected by the Bill of Rights. Were any of them protected by later amendments to the Constitution (such as women's right to vote)? If so, this is a good spot to talk about how the Constitution has changed over time and to discuss whether those changes are in keeping with the spirit of the Framers or if they are a departure from that spirit.

Guided Practice

Bill of Rights Scenario Sort. Cut up the scenario cards for the Bill of Rights Scenario Sort game, fold them in half, and place them in a basket or bin.

Students could play in smaller groups or as a whole class. If playing in small groups, print out enough copies of the chart; if playing as a whole class, display the chart on the board or make one from chart paper.

Set a timer for 5 minutes. The student who goes first removes a scenario from the bin, reads it aloud, and places it in the correct column of the chart. The next student who goes can either move the prior card or pick a new one for sorting. Play continues in this way until the bin is empty or time runs out. Each scenario placed in the correct category earns the group a point, and the group needs 10 points to win the game.

Note: Some of the scenarios violate the amendment, others uphold it. If you need a "bonus round" students could identify which scenarios are which.

Extension

Bill of Rights in the News. Ask students to use the game they played in class as inspiration for a short writing assignment. Assign each student an amendment, either from the Bill of Rights or a subsequent amendment to the U.S. Constitution, and ask them to find a news piece from the past few months that they think illustrates this amendment. Students should write a short paragraph summarizing the news piece and how it relates to their assigned amendment.

Supporting Materials

Other Resources

- The Bill of Rights: A Transcription, National Archives, www.archives.gov/foundingdocs/bill-of-rights-transcript
- Civics101 has excellent podcast episodes on a variety of Bill of Rights topics, as well as instructional materials, www.civics101podcast.org/
- Visit the United Nations website to view the text of the Universal Declaration of Human Rights, a document written in 1948 to establish which rights the organization believed all humans were entitled to, www.un.org/en/universal-declaration-human-rights/
- iCivics.org requires a free account to access their resources, but their games and lesson plans are thorough and helpful. Generally middle and high school-aged materials, www.icivics.org/curriculum/constitution
- The Annenberg Classroom has an excellent lesson for upper grades on the freedom of assembly and petition with quotes and ideas students can access. "Freedom of Assembly: The Right to Protest," www.annenbergclassroom.org/resource/freedom-ofassembly-the-right-to-protest/

Standards

New Hampshire Social Studies Frameworks:

- ✔ Civics and Governments: The Nature and Purpose of Government (SS:CV:8:1.1)

NCSS Themes:

- ✔ Theme 5: Individuals, Groups, and Institutions
- ✔ Theme 6: Power, Authority, and Governance
- ✔ Theme 10: Civic Ideals and Practices

C3 Frameworks:

- ✔ Civic and Political Institutions (D2.Civ.4.6-8, D2.Civ.5.6-8)
- ✔ Participation and Deliberation (D2.Civ.8.6-8)
- ✔ Processes, Rules, and Laws (D2.Civ.12.6-8)
- ✔ Perspectives (D2.His.6.6-8)

Common Core ELA:

- ✔ Key Ideas and Details (RH.6-8.1, RH.6-8.2)
- ✔ Craft and Structure (RH.6-8.4)

Lesson Vocabulary

amend	(verb) To revise or change
amendment	(noun) An addition to an existing document; in the U.S. Constitution, the amendments come after the original document
bill of rights	(noun) A document that contains a list of freedoms to protect; in the N.H. Constitution, the original bill of rights is the first 38 articles
citizen	(noun) A member by law of a nation or group
constitution	(noun) A document laying out the rules for how a government will work
federal	(adjective) The central government of a group of states; the U.S. federal government is in Washington, D.C.
preamble	(noun) Introduction
social contract	(noun) An agreement between people and their government to give up some rights in exchange for security and law and order