The Bill of Rights

Background/Homework

Suggested paraphrases:

I. The government cannot violate peoples’ freedom of religion, speech, press, assembly, and petition. Note: The First Amendment, like the entire Bill of Rights, was written to restrict only the actions of the national government (“Congress”). The Supreme Court has used Fourteenth Amendment, (adopted in 1868) to apply some Bill of Rights protections to state governments. This is called the doctrine of incorporation.

II. A well-equipped militia guards our freedom, the people have the right to have and carry weapons.

III. The government cannot force people to quarter troops in their homes.

IV. The government must have probable cause for a search warrant; the government cannot unreasonably search or take possessions.

V. The right to: a grand jury in infamous crimes; not to be tried twice for the same offense; remain silent; due process of law; just compensation when the government takes your property for public use.

VI. The right to: a speedy and public trial by an impartial jury in the area where the alleged crime occurred; to be told of the accusation; face accusers, require witnesses to appear in court; to have the assistance of a lawyer.

VII. The right to a jury trial in civil suits over more than $20; Juries have the final say on facts of a case.

VIII. The government cannot impose bail or fines that are too big, or cruel and unusual punishments.

IX. The listed rights are not the only (or even necessarily the most important) rights people have.

X. The states and the people keep all powers not delegated to the federal government.

Handout B: Bill of Rights Scenario Cards

1. Violation of the Sixth Amendment right “to have the assistance of counsel,” according to the ruling in Gideon v. Wainwright (1963).

2. May depend on state law. The Supreme Court held in Kelo v. New London (2005) that the “public use” required by the Fifth Amendment when government takes property is satisfied if property taken for private redevelopment is for “public benefit.” In reaction to this ruling, several states have passed laws forbidding the use of eminent domain for redevelopment.

3. Violation of Eighth Amendment protection from “cruel and unusual punishment.”

4. Violation of Second Amendment “right of the people to keep and bear arms,” according to the ruling in District of Columbia v. Heller (2008).


6. May be a violation of First Amendment “freedom of speech.” In upholding students’ right to wear plain black armbands in silent protest of the Vietnam War, the Supreme Court held in Tinker v. Des Moines (1969) that school officials may restrict student expression that would “materially and substantially” disrupt school discipline.

7. No violation, according to Board of Education of Pottawatomie v. Earls (2002).

8. Violation of Fifth Amendment freedom from being “compelled in any criminal case to be a witness against [one]self” and Sixth Amendment right to “the assistance of counsel,” according to the ruling in Miranda v. Arizona (1966).

9. No violation. The Bill of Rights protects individuals from the actions of government. It does not limit the actions of parents.

10. Violation of Third Amendment, which reads “No soldier shall, in time of peace be quartered in any house, without the consent of the owner.”

11. Violation of Tenth Amendment reservation of powers to the states and the people. When the Constitution does not give a power to the federal government, nor deny it to the states, the power is reserved to the states and the people.
12. No violation. Public school officials can conduct searches of students’ belongings if they have “reasonable suspicion” of wrongdoing, according to the ruling in New Jersey v, T.L.O. (1985).

A Personal Response to American Citizenship

Handout B: A Good Citizen

Students are likely to think of some of the following:

What a good citizen knows:
- names of their elected representatives
- which government body makes the laws in their state
- which level of government (county, city, state or federal) is responsible for areas such as
  - setting the school bus schedule
  - operating the jail
  - putting out fires in the town or city
  - administering tests for driver licenses
  - issuing passports
- what the first ten amendments of the United States Constitution are called
- what the legal voting age is in their state
- how a law is made
- role of political parties
- what government official to contact to get things done
- basic principles and organization of the United States Constitution
- contributions of great American heroes
- major wars/battles in American history
- problems facing the country today
- impact of racism and other forms of injustice throughout American history
- knows when government needs to be checked

What a good citizen believes:
- compromise is valuable
- people are equal and deserve respect
- you must respect the views of people with whom you disagree
- organizing and taking action with others can bring about results
- members of the community can serve as citizen role models
- freedom is protected in America
- voting is a responsibility as well as a right
- ethnic diversity enriches the nation
- the American political system has many strong points
- an individual can make a difference in his or her community
- people are generally trustworthy