

Constitution Day Activity

Time Needed: One class period

Materials Needed:

Student worksheets
Volunteer's Guide for you

Copy Instructions:

"Your Constitutional Rights" booklet (1 page double-sided; class set)
Worksheet (1 page double-sided; class set)
Volunteer Guide (one copy for yourself)

Learning Objectives. Students will be able to:

- Identify rights contained in the U.S. Constitution
- Determine the constitutional issue raised by a scenario
- Evaluate whether constitutional protection exists in a given scenario

STEP BY STEP GUIDE FOR VOLUNTEERS

- ☐ **PREPARE** by familiarizing yourself with the materials in this activity guide.
- ☐ **BEGIN** by reminding students that the U.S. Constitution is the document created when our country began that explains how our government will run. It also contains rights that citizens have. Most of these rights are protections from the government.
- ☐ **ASK** students to think about what they already know about the Constitution. Ask students to think of ONE right that the Constitution gives us and to raise their hand when they have thought of one. PAUSE for about 15 or 20 full seconds to give them time to think before calling on anyone. Call on random students to share what they've thought of.
- ☐ **DISTRIBUTE** one *Your Constitutional Rights* booklet to each student. (Do NOT distribute the worksheet yet or students will try to work on it instead of paying attention.)
- ☐ **PREVIEW** the constitutional rights with the class by pointing out that the booklet lists the rights guaranteed by many of the constitutional amendments. Be sure students understand that some amendments have been skipped because they deal with issues other than peoples' rights.
- ☐ **TELL** the class you would like student volunteers to read the rights under each amendment.
- ☐ **CALL ON** student volunteers to read. After each student has read, it is a good idea to quickly paraphrase what the rights mean. Do not assume students understand.
- ☐ **TELL** the class they will be analyzing specific situations that bring up some questions about constitutional rights that aren't so easy to answer. Explain that a phrase like "freedom of speech" doesn't tell you very much.
- ☐ **DISTRIBUTE** the worksheet. Do NOT distribute the worksheet before now.
- ☐ **READ** the first speech bubble scenario yourself or call on a student volunteer.

Continued on the next page...

Constitution Day Activity

STEP BY STEP GUIDE FOR VOLUNTEERS

...continued from the last page.

- ☐ **ASK** students which constitutional right may be at issue here. Point them back to the booklet. Give them verbal cues, such as "Why does he have the right to remain silent?" and "Which amendment says you don't have to testify against yourself?" If the process starts to drag on, give a really strong hint such as "It's either the 4th or 5th Amendment."
- ☐ **IDENTIFY** the correct amendment and the correct right within the amendment.
- ☐ **ENCOURAGE** discussion about whether students think there is or should be constitutional protection in this situation. Then use the notes on the volunteer guide to help you answer the question for them. (The answer may prompt more discussion.)
- ☐ **REMEMBER** the kids won't know you're not a constitutional law professor. You know more about the Constitution than they do. Really. Just be prepared to deflect some wild what-ifs.
- ☐ **REPEAT** the process for as many of the scenarios as there's time for.
- ☐ **ENCOURAGE** discussion that veers away from the scenarios, as long as it sticks to constitutional rights. This lesson is designed to give you plenty to do if the class isn't talkative, but encourage lots of questions if the kids want to ask.
- ☐ **FEEL FREE** to add your own insights to the material. That's what the lines are for on the volunteer guide.
- ☐ **ASK** your own what-if variations if the class is very quiet and you can see that you are going to move quickly through the scenarios and end up with a lot of dead time at the end. Try asking provocative questions like, "If you could only have three of these rights, which three would you choose?" or "What if there was no freedom of speech?"
- ☐ **PLAY** this game if you wind up with a few minutes of dead time at the end:

Open your booklet, and have the students open their booklets. Tell the class you are going to quiz them to see how well they learned the amendments. Tell them you will say a right, and they must call out the amendment number that goes with it. Scan through the amendments and call out rights at random. Example:
You: "Right to a fair jury."
Them: "Six!"
Repeat until the class is over.

This activity can lead in our lead out of playing the popular iCivics game, *Do I Have A Right?* If teachers haven't worked with iCivics.org before, this is a great introduction!

Name: _____



YOUR *Constitutional* RIGHTS

Your Constitutional Rights

1st Amendment

The government cannot do the following:

1. Establish a religion
2. Restrict your right to practice a religion
3. Restrict your freedom of speech
4. Limit freedom of the press
5. Restrict your right to assemble in groups peacefully
6. Limit your right to complain to the government about a problem

2nd Amendment

You have the right to own ordinary weapons.

3rd Amendment

The government can't force you to let soldiers live in your house.

4th Amendment

The government cannot conduct unreasonable searches and seizures of your stuff. Generally, the government must get a warrant before your property can be searched or seized.

5th Amendment

1. You cannot be put on trial for the same crime again after you've been found guilty or innocent.
2. You cannot be forced to be a witness against yourself if you have been accused of a crime.
3. If you have been accused of a crime, the government cannot take away your life, liberty, or property without due process of law.
4. The government cannot take your private property for public use without giving you fair compensation.

6th Amendment

If you are accused of a crime, you have the right to:

1. A speedy and public trial
2. A fair jury
3. Be told what you have been accused of doing
4. Confront the witnesses against you
5. The assistance of a lawyer for your defense

8th Amendment

The government cannot do the following:

1. Make you pay excessive bail
2. Make you pay an excessive fine
3. Inflict a cruel and unusual punishment on you

13th Amendment

You cannot be enslaved in the United States.

14th Amendment

Individual states cannot do the following:

1. Make or enforce a law that limits your privileges and protections as a U.S. Citizen
2. Deprive you of life, liberty, or property without due process of law
3. Deny you equal protection of the laws

15th Amendment

You have the right to vote regardless of your race or color.

19th Amendment

You have the right to vote whether you are male or female.

26th Amendment

You have the right to vote if you are 18 or older.

Your *Constitutional* Rights

Name: _____

Not as Clear as it Sounds. Sometimes your rights under the Constitution are really clear. In other situations... not so much. How do you think the rights in the Constitution apply in these situations?

1)

When I was arrested, the police told me I had the right to remain silent—but then they forced me to give a blood sample!



Amendment #_____ deals with this issue.

- ☐ The Constitution protects you here.
- ☐ No protection in this situation. Sorry.

5)

The police showed my picture to the victim after I was accused of a crime. My lawyer wasn't there to defend me!



Amendment #_____ deals with this issue.

- ☐ The Constitution protects you here.
- ☐ No protection in this situation. Sorry.

2)

I'm angry because the town cut down all the trees on one side of the park. I put up a big protest sign, but I didn't write my name on it.



Amendment #_____ deals with this issue.

- ☐ The Constitution protects you here.
- ☐ No protection in this situation. Sorry.

6)

I shoplifted a smart phone from BigMart and threw the box in my garbage can. On trash day, the police stopped at the curb, dug through my trash, and took it!



Amendment #_____ deals with this issue.

- ☐ The Constitution protects you here.
- ☐ No protection in this situation. Sorry.

3)

I'm an American citizen, but I was caught fighting with a terrorist group. I've been in jail for 5 years and I've never been to court!



Amendment #_____ deals with this issue.

- ☐ The Constitution protects you here.
- ☐ No protection in this situation. Sorry.

7)

I was searching the internet and found an automatic assault rifle that was used during World War II. I want to buy it, but my state has a law against owning assault rifles.



Amendment #_____ deals with this issue.

- ☐ The Constitution protects you here.
- ☐ No protection in this situation. Sorry.

4)

I was found guilty of murder, and as a punishment I got the death penalty!



Amendment #_____ deals with this issue.

- ☐ The Constitution protects you here.
- ☐ No protection in this situation. Sorry.

8)

A big group of us don't like what our governor has been doing, and we want to hold a protest in the park. The city says we have to pay \$25 for a permit first.



Amendment #_____ deals with this issue.

- ☐ The Constitution protects you here.
- ☐ No protection in this situation. Sorry.

Your *Constitutional* Rights

Name: _____

Not as Clear as it Sounds. (continued)

9)

I planned to build a grocery store on my property, but a new law won't let me build anything more than a small fruit stand. It's as if I can't even use my property anymore!



Amendment #_____ deals with this issue.

- ☐ The Constitution protects you here.
- ☐ No protection in this situation. Sorry.

13)

The Amish religious community near my town won't send their kids to school after 8th grade because higher education violates their religious beliefs. The state says the kids must stay in school until they are 16.



Amendment #_____ deals with this issue.

- ☐ The Constitution protects you here.
- ☐ No protection in this situation. Sorry.

10)

My state passed a law saying I must show a photo ID before I can vote.



Amendment #_____ deals with this issue.

- ☐ The Constitution protects you here.
- ☐ No protection in this situation. Sorry.

14)

I stole a car and hid it in the middle of my huge backyard. I put a fence around it so nobody could see. But the police flew over in a helicopter and saw it!



Amendment #_____ deals with this issue.

- ☐ The Constitution protects you here.
- ☐ No protection in this situation. Sorry.

11)

I was on trial for robbery, but my jury had only men. Out of the 30 possible jurors, only 2 were women! My state lets women opt out if they want to.



Amendment #_____ deals with this issue.

- ☐ The Constitution protects you here.
- ☐ No protection in this situation. Sorry.

15)

After a criminal trial, I was found not guilty of murder. But then the victim's family sued me in court and won a money judgment against me!



Amendment #_____ deals with this issue.

- ☐ The Constitution protects you here.
- ☐ No protection in this situation. Sorry.

12)

I was found guilty of bank robbery for the seventh time. As a punishment, they're going to take away my U.S. citizenship!



Amendment #_____ deals with this issue.

- ☐ The Constitution protects you here.
- ☐ No protection in this situation. Sorry.

16)

I was accused of a crime, and the state gave me a lawyer to defend me. But he always answers my calls a week late! What kind of assistance is that?



Amendment #_____ deals with this issue.

- ☐ The Constitution protects you here.
- ☐ No protection in this situation. Sorry.

Your *Constitutional* Rights

Volunteer's Guide

Not as Clear as it Sounds. Sometimes your rights under the Constitution are really clear. In other situations... not so much. How do you think the rights in the Constitution apply in these situations?

Volunteer Notes

1)

When I was arrested, the police told me I had the right to remain silent—but then they forced me to give a blood sample!



Amendment # 5 deals with this issue.

- ☐ The Constitution protects you here.
☒ No protection in this situation. Sorry.

The 5th Amendment right not to testify against yourself only protects actual testimony or communication. It does not protect real or physical evidence like hair or blood samples.

2)

I'm angry because the town cut down all the trees on one side of the park. I put up a big protest sign, but I didn't write my name on it.



Amendment # 1 deals with this issue.

- ☒ The Constitution protects you here.
☐ No protection in this situation. Sorry.

The 1st Amendment protects your right to speak anonymously.

3)

I'm an American citizen, but I was caught fighting with a terrorist group. I've been in jail for 5 years and I've never been to see a judge!



Amendment # 5 deals with this issue.

- ☒ The Constitution protects you here.
☐ No protection in this situation. Sorry.

The Supreme Court has said that U.S. citizens held as enemy combatants have a 5th Amendment due process right to contest their detention in front of a neutral decision maker. *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004). Before this, enemy combatants had been held indefinitely without any chance to argue they were being wrongly detained.

4)

I was found guilty of murder, and as a punishment I got the death penalty!



Amendment # 8 deals with this issue.

- ☐ The Constitution protects you here.
☒ No protection in this situation. Sorry.

The Supreme Court has never held the death penalty unconstitutional under the 8th Amendment. However, it has found the death penalty cruel and unusual in certain situations (i.e., people who are mentally retarded or who were under age 18 when the crime was committed).

Not as Clear as it Sounds. (continued)

Volunteer Notes

Under the 6th Amendment right to a lawyer, the lawyer must only be present when the suspect is personally being asked questions, as well as at trial.

5)

The police showed my picture to the victim after I was accused of a crime. My lawyer wasn't there to defend me!



Amendment # 6 deals with this issue.

- ☐ The Constitution protects you here.
☒ No protection in this situation. Sorry.

The 4th Amendment protection against searches and seizures only applies where there is a reasonable expectation of privacy. There is no expectation of privacy in garbage you set out on the curb for collection. (See also #12 below.)

6)

I shoplifted a smart phone from BigMart and threw the box in my garbage can. On trash day, the police stopped at the curb, dug through my trash, and took it!



Amendment # 4 deals with this issue.

- ☐ The Constitution protects you here.
☒ No protection in this situation. Sorry.

The Supreme Court has indicated that the 2nd Amendment only protects the right to keep and bear weapons that are in common use. *Dist. of Columbia v. Heller*, 554 U.S. 570 (2008); *McDonald v. Chicago*, 561 U.S. 3025 (2009) (incorporating the 2nd Am). So far, regulations on automatic weapons have not been found unconstitutional.

7)

I was searching the internet and found an automatic assault rifle that was used during World War II. I want to buy it, but my state has a law against owning assault rifles.



Amendment # 2 deals with this issue.

- ☐ The Constitution protects you here.
☒ No protection in this situation. Sorry.

Requiring a permit doesn't violate the 1st Amendment right to free speech as long as the agency giving out the permit don't get to make a judgment about who gets one and who doesn't.

8)

A big group of us doesn't like what our governor has been doing, and we want to hold a protest in the park. The city says we have to pay \$25 for a permit first.



Amendment # 1 deals with this issue.

- ☐ The Constitution protects you here.
☒ No protection in this situation. Sorry.

Not as Clear as it Sounds. (continued)

Volunteer Notes

9)

I planned to build a big supermarket on my property, but a new law won't let me build anything more than a small store. The government should have to compensate me!



Amendment # 5 deals with this issue.

- ☐ The Constitution protects you here.
☒ No protection in this situation. Sorry.

A regulation only "takes" property under the 5th Amendment if the new law prevents any reasonable economic development at all. Generally, it's not a taking if it only decreases value.

10)

My state passed a law saying I must show a photo ID before I can vote.



Amendment # 14 deals with this issue.

- ☐ The Constitution protects you here.
☒ No protection in this situation. Sorry.

Laws requiring a photo ID are acceptable because they protect the electoral process itself. They do not violate the 14th Amendment equal protection clause.

11)

I was on trial for robbery, but my jury had only men. Out of the 30 possible jurors, only 2 were women! My state lets women opt out if they want to.



Amendment # 6 deals with this issue.

- ☒ The Constitution protects you here.
☐ No protection in this situation. Sorry.

The 6th Amendment right to an "impartial" (fair) jury is violated if the pool from which the jury is selected (not the empaneled jury) does not reflect a fair cross-section of the community, but only if the missing group has been systematically excluded. *Duren v. Missouri*, 439 U.S. 357 (1979).

12)

I was found guilty of bank robbery for the seventh time. As a punishment, they're going to take away my U.S. citizenship!



Amendment # 8 deals with this issue.

- ☒ The Constitution protects you here.
☐ No protection in this situation. Sorry.

The Supreme Court has ruled that taking away a person's citizenship as a punishment is cruel and unusual under the 8th Amendment. *Trop v. Dulles*, 356 U.S. 86 (1958).

Not as Clear as it Sounds. (continued)

Volunteer Notes

The Supreme Court has said that the Amish have sincere religious beliefs that are connected with their simple way of life, and that forcing Amish children to attend high school violates their 1st Amendment right to free exercise of religion. *Wisconsin v. Yoder*, 406 U.S. 205 (1972).

There is no expectation of privacy in anything that can be seen from flying overhead in the public airspace. (Also no expectation of privacy in things like the sound of your voice, style of handwriting, or smells coming from your luggage.)

The 5th Amendment "double jeopardy" protection generally only applies to crimes, and then it has to be the exact same crime. It does not attach to a civil claim made following a criminal trial.

In order for someone to succeed in claiming they got ineffective "assistance" of counsel under the 6th Amendment, the lawyer must have done such a terrible job that the person's case would have turned out differently were it not for the lawyer's awful performance.

13)

The Amish religious community near my town won't send their kids to school after 8th grade because higher education violates their religious beliefs. The state says the kids must stay in school until they are 16.



Amendment # 1 deals with this issue.

- ☒ The Constitution protects you here.
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14)

I stole a car and hid it in the middle of my huge backyard. I put a fence around it so nobody could see. But the police flew over in a helicopter and saw it!



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15)

After a criminal trial, I was found not guilty of murder. But then the victim's family sued me in court and won a money judgment against me!



Amendment # 5 deals with this issue.

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I was accused of a crime, and the state gave me a lawyer to defend me. But he always answers my calls a week late! What kind of assistance is that?



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