

Constitution USA Episode Two

Developed by: **The National Constitution Center**, find more great resources at <http://constitutioncenter.org/learn>

Program Overview

The Constitution is all around us; it affects each of us, every day. We are told that it is the most important document in our daily lives, yet most people cannot even remember what it really says, or explain the difference between the Constitution and the Declaration of Independence. Americans are known for standing up for their rights and ensuring that their voices are heard—but where do these almost instinctual aspects of the American psyche come from? It is almost a part of our genetic make-up as Americans to dissent, but where does this expectation of rights find its genesis? It can be found in the American people and in our founding document, the Constitution. In this video series, we are going to explore the rule of law and the rights of the people. Have we struck the right balance in our country? Have we established a strong government while ensuring that our individual freedoms are safe and secure from tyranny? In this episode we explore the first ten amendments—which we call the Bill of Rights—and examine what was written down in 1791, as well as how they have been interpreted and re-interpreted over the years. Let’s take a closer look and see how freedom is defined for “We the People” as well as you the citizen.

Key Concepts for Episode 2

Fundamental Right: a group of rights that have been recognized by the Supreme Court as requiring a high degree of protection from government encroachment

Ratification: Amendments to the Constitution, which can begin either in Congress or through a special constitutional convention called by the states

Individual Rights: a person’s justifiable claim, protected by law, to act or be treated in a certain way

Fundamental Right

Fundamental rights are a group of rights that have been recognized by the Supreme Court as requiring a high degree of protection from government encroachment. These rights are either specifically identified in the Constitution (especially in the Bill of Rights), or have been identified through different court

opinions using the Due Process Clause. See more at http://www.law.cornell.edu/wex/fundamental_right

Learn more about fundamental rights on the interactive constitution, see Amendment 14. http://ratify.constitutioncenter.org/constitution/details_explanation.php?link=171&const=21_amd_14

Ratification

Amendments to the Constitution can begin either in Congress or through a special constitutional convention called by the states. So far, all amendments have begun with the Congress, which can send amendments to the states for ratification whenever two-thirds of the members in both the House and the Senate approve a special joint resolution. According to the Constitution, Congress can specify two ways for states to ratify –either through their state legislatures or by special convention. So far, only the Twenty-First Amendment, which repealed Prohibition, has been ratified by special conventions. Whether by legislative vote or convention vote, three-fourths of the states must ratify a proposed amendment before it becomes part of the Constitution. Learn more about fundamental rights on the interactive constitution at: www.constitutioncenter.org/constitution

Individual Rights

The constitution of a democracy guarantees the rights of the people. A right is a person's justifiable claim, protected by law, to act or be treated in a certain way. For example, the constitutions of democracies throughout the world guarantee the political rights of individuals, such as the rights of free speech, press, assembly, association, and petition. These rights must be guaranteed in order for there to be free, fair, competitive, and periodic elections by the people of their representatives in government, which is a minimal condition for the existence of a democracy.

Find out more at: <http://www.annenbergclassroom.org/terms>

The above information is reprinted from Linda R. Monk, "The Words We Live By: Your Annotated Guide to the Constitution," 2003. Explore more analysis of the Constitution at <http://constitutioncenter.org/constitution>.

Enduring Understandings

- ✦ Governments evolve just like people grow.
- ✦ The interpretation of America's founding documents has defined and redefined our rights over time.
- ✦ The personal values of people can motivate their political interests.
- ✦ Essential documents lay the foundation for government.

Pre-Viewing Questions

Explore these questions with your class and use the KWL method to engage your students in active thinking around the topics of the Constitution, federalism, and citizenship.

Using the attached KWLH Chart, answer the following questions (we have added H for How do you know this—what primary or secondary source was used?)

1. What rights do you possess?
2. How does the Bill of Rights protect individual rights?
3. Where are the conflicts between fundamental principles and values when dealing with social issues?
4. Which fundamental ideas make up the foundation of our democracy?
5. What are the fundamental values of our democracy?
6. What are the rights and responsibilities of citizens of the United States?
7. What are the ways in which governments meet the needs and wants of citizens, manage conflict and maintain order and security?
8. How are individual rights protected and social justice promoted within the context of majority rule?
9. Have you ever felt isolated at school because you feel the school supports someone else's beliefs and not your own?

Assignment

Now it is time to watch *Constitution USA* and to encourage your students to be active viewers, listeners and thinkers. This student guide is designed to help you and your students engage with and gain a deeper understanding of the information presented in Episode 2 of the video series *Constitution USA*. As interesting as this episode is, it can be very difficult for students to retain information and learn from visual content, and students often have trouble organizing their thoughts into constructive arguments for a deeper deliberation. The intention here is to give you a tool to help your students pause and take a closer look at what is being presented in this episode, as well as retain more information through visual cues and written assignments. We have set up this guide to allow you, the educator, multiple options. The student guide section can be presented to the students and allow them to explore the episode in its entirety, while the video segments section allows students to focus in-depth on one section of video at a time with key questions that will be analyzed as a group after viewing each episode. We have also added classroom activities to allow the class to further explore the topic presented within the video.

You may print the following "Student Handout" for students to participate.

KWL Method

What students **KNOW**

What students **WANT** to learn

What students **LEARN**

KWL charts assist teachers in activating students' prior knowledge of a subject or topic and encourage inquisition, active reading (listening), and research. KWL charts are especially helpful as a pre-reading or in this case a pre-viewing strategy. They can also serve as an assessment of what students have learned during a unit of study. The K stands for what students know, the W stands for what students want to learn, and the L stands for what the students learn as they read or research.

Attached at the end of this Guide is a blank KWL Worksheet for classroom use.

High School Student Guide

It's a Free Country: Examine Your Rights!

Welcome to Episode Two of *Constitution USA*—“It’s a Free Country.” In this episode you will explore the delicate balance between rule of law and individual freedom. Use this guide to help you pull key ideas from the video and help you build your understanding of the rights and responsibilities that are in the Bill of Rights. The questions will help guide you along the way, but feel free to pause the video and re-watch when needed. Let’s get moving and see if we can gain a better understanding of the first ten amendments and arm ourselves with the Bill of Rights.

Stop and Think Question: Before you begin, ponder this question: What does the word “freedom” mean to you? How do you define it? Who or what protects your freedom?

Let’s begin. Press play and keep an eye on the questions.

What does the Bill of Rights establish for our country?

The Marines on motorcycles have a very interesting way of looking at freedom. They believe it is a balance between personal responsibility and government regulation that ensures people’s freedom. Do you think we always strike the right balance? Whose job is it to maintain this balance - individuals or the government?

Let’s test an example:

Whose job is it to determine when to wear a helmet? Is it the role of the individual to know when to wear a helmet on a motorcycle, or is it the job of the government to mandate all motorcycle riders wear a helmet? Why? You decide!



Stop and Think Question: What are the fundamental rights and responsibilities of a U.S. Citizen? List them here.

Rights	Responsibilities
1.	
2.	
3.	
4.	

What rights are covered by the original Constitution?

Why did the Founding Fathers not include a Bill of Rights in the original Constitution? List some of the reasons why.

What did Patrick Henry feel was missing?

Ratifying the Constitution

How many states did it take to ratify the Bill of Rights? How long did it take?

Name some founding fathers who were Pro- Bill of Rights. Tell us why.

- ✦
- ✦
- ✦

Stop and Think Question: This is a trick question. Some founding fathers were Pro and Con adding a Bill of Rights. Do a little digging and find one who may have changed his mind and why.

Name some Founding Fathers who were Anti- Bill of Rights. Tell us why.

- ✦
- ✦
- ✦

Stop and Think Question: Ratifying the Bill of Rights was done by state legislature. Beeman talks about it being a more democratic vote than even before? What were some restrictions that were uplifted for this vote of legislatures?

The British rule had so infringed on our individual rights that our new government was going to be told exactly what it could NOT do. What did the Founders believe to be the greatest threat to the people?

Listing out the 10 big ones! Quickly list out each amendment and what right it guarantees:

Amendment	Right
Amendment 1	
Amendment 2	
Amendment 3	
Amendment 4	
Amendment 5	
Amendment 6	
Amendment 7	
Amendment 8	
Amendment 9	
Amendment 10	

Stop and Think Question: After class, visit <http://constitutioncenter.org/constitution> to check your list and create your own Bill of Rights cheat sheet.

Stop and Think Question: Amendment 9 is a very important amendment. It states we have rights that are not listed. Examine the rights above. Many of these rights are listed in the negative, why? Who were these rights trying to protect individuals from? What rights do we have that are not listed? List those rights as well; think of them as positive rights.



Protesting Funerals: The First Amendment Put To the Test

What does the Westboro Baptist Church oppose? Under what amendment does the Westboro Baptist Church have the right to protest? What tools allows them to “fight” for what they believe in?

Stop and Think Question: What other groups have used protest to move a cause forward?

What rights does the father of the fallen soldier have?

What tools did our country establish to ensure the father has a way to “fight” for what he believes in?

Stop and Think Question: In this case Americans have brought the battle not into the street but into the courts to use the system to solve a dispute. Is this a responsibility of citizens?

You Decide: Should the Westboro Baptist Church’s manner of speech be protected by the First Amendment?

Speech has Not Always Been Free

Pay close attention to this section of the show. Which war is referred to in the video that it was federal crime to speak out against the war effort, especially if your speech threatened the success of the military draft?

Stop and Think Question: This was not unique. Name other wars and the acts that made it a federal crime to damage the government.

List some of the times that the voices of the people have been stifled by the government:

✦

✦

Stop and Think: What war did the people’s voice help to bring to an end?

Stop and Think Question: The courts play a very important role in establishing the balance between individual rights and government regulation. What is the role of the courts according to the Constitution?

Today all Speech is Free—Kind of...

Can you say anything you want?

What ruling body determines what is okay to say and what is not? Give some examples of what is free and what is NOT free speech.

Free Speech	NOT Free Speech
<p><i>Examples...</i></p> <ul style="list-style-type: none"> ✦ ✦ ✦ 	<p><i>Examples...</i></p> <ul style="list-style-type: none"> ✦ ✦ ✦

You Decide: Do you think the current limits on free speech are right, or should speech be entirely free?

Stop and Think Question: Do you agree that culture and structure are the two main things that keep people free in America?

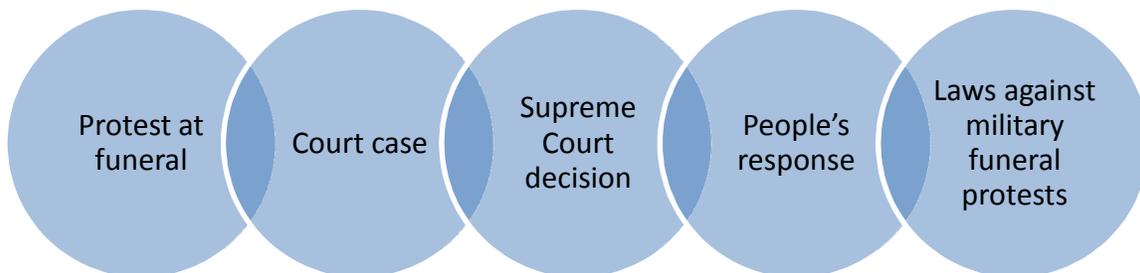
Stop and Think Question: What is the key ingredient in a healthy democracy?

In the case of protests at military funerals, it became a balancing act between the rights of the Westboro Baptist Church and the rights of the grieving families.

How were the rights of the Westboro Baptist Church protected?

How were the rights of the families at the funeral protected?

Metamorphosis of Rights



Stop and Think Question: How did they side in each case written above? Did they strike the right balance in this case?

According to Justice Louis Brandeis, the answer to free speech is what?

Stop and Think Question: Is free speech absolute? Should it be?

Stop and Think Question: What action by the people ensures that our rights are guaranteed? For example, the Soviet Union had an extensive Bill of Rights and yet many rights were routinely violated. What was missing from their system that allowed that to happen? What do we do as Americans that insures rights are protected and preserved?

A Right to a Fair Trial

What did Clarence Gideon ask for when he was charged with a crime?

Is it his responsibility to fight for what he believes is fair? What are we all guaranteed thanks to Gideon?

Look it Up! : Which part of the Constitution guarantees your right to a fair trial?

What can be a negative outcome of ensuring everyone's right to a fair trial?

Stop and Think Question: Does the Constitution require that every defendant have a good lawyer with resources to prepare an adequate defense?



Battles of School Prayer

Do you or other people in your school pray? Do you go to a public school? Why would some students be uncomfortable with a banner? Why might some students object to taking down such a banner?

You Decide: In the case of Cranston High School, do you think the banner should have come down?

Stop and Think Question: Does prayer have a place in public school?

What exactly does the First Amendment say about religion? Hint: there are TWO parts.

Stop and Think Question: How has religion been added to or removed from public life? Draw lines to match up the examples below:

Year	Event
1789	The Michael Newdow case results in Supreme Court refusing to decide on questions regarding “under God”
1956	School prayer removed: Engel V. Vitale
2000-2011	“In God We Trust” officially added to currency
1962	President’s Swear-In on the Bible

Stop and Think Question: In each of these cases, did the Constitution protect the majority or the minority? Why does majority rule not hold true in our system? Why do we need to protect the rights of minorities?

Eminent Domain Case: How Can You Take My House?

What reason did the government give when taking the houses in New London?

How does the Constitution give the government the right to do this?

Who was supposed to benefit from taking the land? In this case, did the Constitution protect the majority or the minority?

Stop and Think: What happens when the reason for the taking doesn’t come to pass?

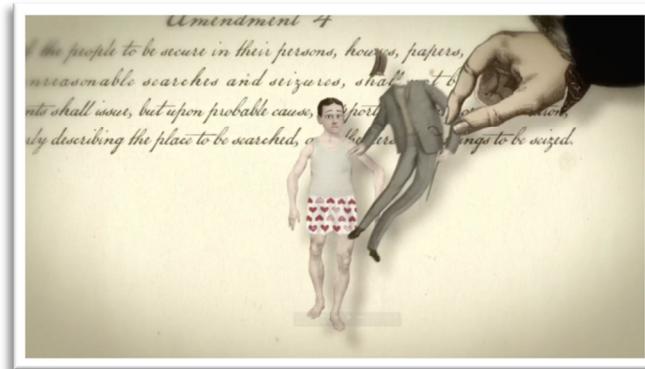
You Decide: Was the city of New London justified in taking people’s homes and land for the benefit of the community?

Rights Are Changing?

In what year was the Bill of Rights, as we know it today, ratified?

How has our understanding of our rights changed over time?

Stop and Think: Why does it seem like the definitions to these rights change over time?



Privacy

When and where can you be searched without a warrant? Can you name more than one example?

Give some easy examples of how people can dig into your privacy:

- +
- +
- +
- +

Did you know that your online social media outlets are allowed to use your info? Does that make you re-evaluate your online activity?

Stop and Think Question: Do you believe, like the people at Twitter, that what you tweet is private?

Stop and Think Question: Do we have a reasonable expectation of privacy online?

Stop and Think Question: When the police ask for a search warrant, what exactly do they have to specify?

The first ten amendments are written to balance individual rights and rule of law by the government.

Stop and Think Question: Through court cases, interpretation and laws, have we struck the right balance?

Is technology putting cracks in the Bill of Rights? Where?

Stop and Think Question: The Bill of Rights was established to protect our rights, and the original Constitution was established to give us the framework through which we can fight for rights. Has this two-part system given us an adequate pathway to use our rights and responsibilities?

Stop and Think Question: Have Americans always stood together for the greater good? Give examples of when we have and when we have not.

- ✦
- ✦
- ✦
- ✦

Let's try this activity again. Looking at each example, see if you can determine whose job it is to regulate. Does the responsibility fall on the individual or the government?

Whose Job Is It?	Personal responsibility	Government responsibility
School Prayer		
Protest at Funerals		
Helmets on Motorcycles		
<i>Are there other examples from the show? List some here:</i>		

Video Segments

<http://www.pbs.org/tpt/constitution-usa-peter-sagal/classroom/episode-2-rights/>

Segment 1: It's a Free Country: Know Your Rights!

What does the Constitution establish?

What does the Bill of Rights establish?

Listing out the 10 big ones! Quickly list out each amendment and what right it guarantees.

Stop and Think Question: After class, visit <http://constitutioncenter.org/constitution> to check your list and create your own Bill of Rights cheat sheet.

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Amendment 6	
Amendment 7	
Amendment 8	
Amendment 9	
Amendment 10	

Segment 2: Protesting Funerals: The First Amendment Put to the Test

Is all speech protected? Should offensive speech be protected? Why would someone want speech to be limited? Why would someone want speech to always be free?

What rights do fallen soldiers have?

What tools or steps does the constitution put into place for citizens to stand up and fight for what they believe in?

What is the remedy for free speech?

Segment 3: Right to a Fair Trial

Who insures our rights are protected? What did Gideon do to make sure the 6th amendment was protecting him?

Why would someone need a lawyer? What is the responsibility of a court appointed attorney?

Which part of the Constitution guarantees your right to a fair trial?

Segment 4: Battles of School Prayer

Do you or other people in your school pray? Do you go to a public school? Why would some students be uncomfortable with a banner? Why might some students object to taking down such a banner?

Stop and Think Question: Does prayer have a place in public school?

What exactly does the First Amendment say about religion? Hint: there are TWO parts.

Segment 5: Eminent Domain Case: How Can You Take My House?

What does Eminent Domain mean?

What reason did the government can take away property of citizens?

What part of the Constitution gives the government the right to do this?

Who was supposed to benefit from taking the land? In this case, did the Constitution protect the majority or the minority?

Stop and Think: What happens when the reason for the taking doesn't come to pass?

Segment 6: Rights are Changing?

In what year was the Bill of Rights, as we know it today, ratified?

How has our understanding of our rights changed over time?

Stop and Think: Why does it seem like the definitions to these rights change over time?

Segment 7: Privacy

When and where can you be searched without a warrant?

Give some easy examples of how people can dig into your privacy.

Did you know that your online social media outlets are allowed to use your info? Does that make you re-evaluate your online activity?

Stop and Think Question: Do you believe, like the people at Twitter, that what you tweet is private?

Stop and Think Question: Do we have a reasonable expectation of privacy online?

The first ten amendments are written to balance individual rights and rule of law by the government.

Stop and Think Question: Through court cases, interpretation and laws, have we struck the right balance?

Is technology putting cracks in the Bill of Rights? Where?

Stop and Think Question: The Bill of Rights was established to protect our rights, and the original Constitution was established to give us the framework through which we can fight for rights. Has this two-part system given us an adequate pathway to use our rights and responsibilities?

Classroom Activity

Building a School Bill of Rights:

Students have already begun to explore the Bill of Rights through their work within this episode. In this activity students are going to evaluate each amendment and see if it applies to their lives as a member of the student body.

1. Each student who has completed the video guide will have a “cheat sheet” for the Bill of Rights. If your students have not completed this task have them explore video clip 5:10-10:23 and fill out the Bill of Rights worksheet. To do this task divide students into groups and have them explore the words of each amendment their meaning can be found on the Interactive Constitution at: <http://constitutioncenter.org/constitution>
2. As a class discuss each Amendment’s meaning and create scenarios where the right could come into play and be applied for students at your school.
Example the 1st Amendment: Student creates a Facebook page for the school without permission. The school wants it shut down.
3. Each scenario needs to be put to the test. Can the school censor this act or do the students’ rights apply? Have each student answer each scenario and explain their reasoning behind the answer.
4. Once completed, have students interview school officials to see how their answers differ or are not. For example students should interview school Principal, school board members, school lawyer, etc.
5. As a culminating activities have students explore current and recent court cases that involve students’ rights in the classroom to see where the latest interpretation on the law has been established. Explore cases that can be found at:
<http://www.uscourts.gov/EducationalResources/ConstitutionResources/LegalLandmarks/LandmarkSupremeCourtCasesAboutStudents.aspx>

Additional Classroom Activities

This segment raises constitutional issues that grapple with the tension of individual freedoms clashing with community standards and the greater good. The resources below, which expand on the content of the second segment, illustrate these tensions in various legal battles.

Origins of the Bill of Rights: The fight over the ratification of the United States Constitution resulted in the establishment of the Bill of Rights. Primary sources that help to illustrate this struggle can be found at:

- The Library of Congress’ *Primary Document in America History*, “The Bill of Rights”
<http://www.loc.gov/rr/program/bib/ourdocs/billofrights.html>
- www.Teachingamericanhistory.org/bor

The Schoolhouse Gates: The Cranston High School case illustrates that schools can become arenas for First Amendment battles. Extending the video’s discussion of social networking to the school setting, students’ cyber speech rights are also under examination nation-wide. The National Constitution Center’s *The Exchange* program facilitates national conversations over constitutional issues with students from across the United States. You can download these lesson plans and resources to facilitate a discussion regarding many of these rights at: www.constitutioncenter.org/the-exchange/

Offensive Speech: *The Case of Snyder v. Phelps* (2011) The demonstration staged by the Westboro Baptist Church tested the First Amendment’s protection of peaceful protest. Does Westboro’s funeral protest cross the line of protected free speech? The Supreme Court of the United States’ official blog has a comprehensive list of resources to help students explore this difficult question.
<http://www.scotusblog.com/case-files/cases/snyder-v-phelps/>

***Gideon v. Wainwright* (1963):** The impact of Gideon’s struggle for the right to counsel was pivotal for Americans unable to afford legal council in court. It expanded access to the justice system for millions of Americans. The Leonore Annenberg Institute for Civics’ *Annenberg Classroom* developed a lesson plan and video that tells the story of this landmark case.
<http://www.annenbergclassroom.org/pages.aspx?name=key-constitutional-concepts&AspxAutoDetectCookieSupport=1>

Eminent Domain: *Social Education* has released a lesson plan developed by Junior Achievement over the issue of eminent domain as it applies to the *Kelo v. New London* (2005).
publications.socialstudies.org/se/6905/6905236.pdf



This guide was developed by the National Constitution Center. The National Constitution Center is a one-stop civic education headquarters and Philadelphia’s premier field trip destination. The Center brings the story of “We the People” to life for students through a hands-on museum experience and innovative tools for teaching the Constitution in your classroom. Discover more at <http://constitutioncenter.org/learn>.

Please share your feedback by completing this survey: <http://www.surveymonkey.com/s/YND9LVY>

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Directions: Take a close look at each Amendment as you fill out the chart below with the words that were written over two hundred years ago and the definition of what those words mean today. Check out <http://constitutioncenter.org/constitution> for assistance on this project.

Amendment	What it Says	What it Means
1 st Amendment		
2 nd Amendment		
3 rd Amendment		
4 th Amendment		
5 th Amendment		
6 th Amendment		
7 th Amendment		
8 th Amendment		
9 th Amendment		
10 th Amendment		

KWL Worksheet



Question:

Name:

What I KNOW	What I WANT to know	What I LEARNED	HOW did I learn that new information?