



THE BILL OF RIGHTS



Grade 5 United States History and Geography

I. Introduction

During the constitutional debates many delegates feared that the Constitution as drafted gave too much power to the central and state governments at the expense of individual liberties. George Mason, the delegate who had written the Virginia Declaration of Rights in 1776, refused to sign the Constitution in 1787 because it did not contain a declaration of individual rights. He and many of his colleagues continued to fight for a “Bill of Rights” that would enumerate rights and immunities of individual citizens. As a result, several state conventions demanded such amendments as a condition of ratification. On September 25, 1789, the First Congress of the United States proposed a list of amendments to the Constitution that would provide protections for individual liberties. The amendments were ratified by three-quarters of the state legislatures in 1791, constituting the first ten amendments to the Constitution. The Bill of Rights protects important individual liberties including freedom of religion, speech, assembly, and the rights of the accused in the criminal justice system.

II. Objectives

- ◆ To understand the reasons for adding a Bill of Rights to the Constitution.
- ◆ To understand the concept of individual civil rights and immunities.
- ◆ To understand the importance of the Bill of Rights to individual freedom and civil liberty today.
- ◆ To explain some of the basic freedoms and rights that Americans have, which are outlined in the Bill of Rights.

III. History-Social Science Standards Addressed

- 5.7 Students describe the people and events associated with the development of the U.S. Constitution and analyze the Constitution's significance as the foundation of the American republic.
- (2) Explain the significance of the new Constitution of 1787, including the struggles over its ratification and the reasons for the addition of the Bill of Rights.
 - (3) Understand the fundamental principles of American constitutional democracy, including how the government derives its power from the people and the primacy of individual liberty.
 - (4) Understand how the Constitution is designed to secure our liberty by both empowering and limiting central government and compare the powers granted to citizens, Congress, the president, and the Supreme Court with those reserved to the states.
 - (5) Discuss the meaning of the American creed that calls on citizens to safeguard the liberty of individual Americans within a unified nation, to respect the rule of law, and to preserve the Constitution.

IV. Materials Needed

Class set copies of the following primary documents:

- Document A:** Image of The Bill of Rights
Document B: The Preamble to The Bill of Rights
Document C: Amendments 1–10 (The Bill of Rights)
Document D: Amendments 1–10 (Modern Version)

V. Lesson Activities

1. Have students read background information on the Constitutional Convention, the Constitution, and the Bill of Rights. Explain how delegates such as George Mason urged the creation of a Bill of Rights to protect individuals from abuses by the state or national government.
2. Have students form groups and brainstorm possible abuses against individual rights that might occur today. (e.g. Search and seizure without a warrant; arrest without a warrant). Distribute **Documents A, B, C, and D**. Have students analyze the documents and discuss the first ten amendments.
3. Hold a class discussion reviewing vocabulary, concepts, and the meaning behind each amendment.

4. Have students prepare an illustrated Bill of Rights depicting infringements of individual liberties. This could take the form of a mural, 10 individual broadsides, or individual books.
5. Have students write an essay giving reasons why the Constitution needed to be amended with a Bill of Rights.
6. Have students write an essay on the importance of civil liberties in a democracy.

VI. Extension Activities

- Research the influence of James Mason, Thomas Jefferson, and James Madison on the Bill of Rights.
- Research the Virginia Declaration of Rights.
- Create a colonial newspaper exposing abuses of civil liberties during colonial times.
- Research Amendments 11–27.
- Research the Universal Declaration of Human Rights.

Vocabulary

<i>amendment</i>	formal revision of, addition to, or change
<i>arbitrary power</i>	power used without considering other's rights
<i>civil liberties</i>	freedom from unjust government control or interference
<i>grand jury</i>	a jury of 12 to 23 persons formed to evaluate accusations against persons charged with a crime and to determine whether or not a bill of indictment is necessary
<i>indictment</i>	a written statement charging someone with committing an offense, drawn up by a prosecuting attorney and handed to a grand jury
<i>warrant</i>	a judicial order authorizing an officer to make a search, seizure or arrest

Resources

Books

Amar, Akhil Reed. *The Bill of Rights: Creation and Reconstruction*. New Haven and London: Yale University Press, 1998.

Hentoff, Nat. *Living the Bill of Rights*. New York: HarperCollins, 1998.

Levy, Leonard W. *Origins of the Bill of Rights*. New Haven and London: Yale University Press, 1999.

Schwartz, Bernard. *The Great Rights of Mankind: A History of the American Bill of Rights*. Madison, Wisconsin: Madison House, 1992.

Web Sites

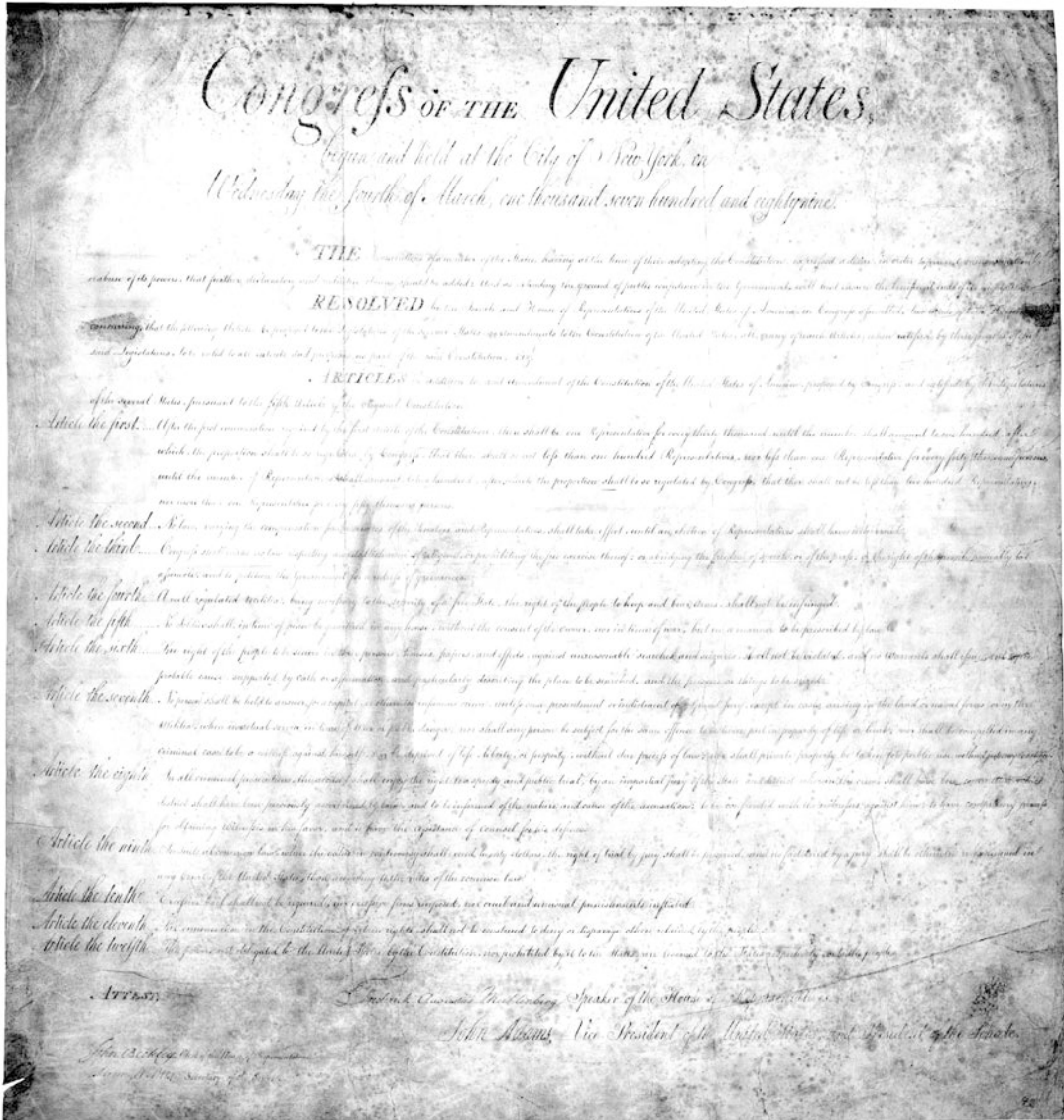
The Bill of Rights Institute < <http://www.billofrightsintitute.org> > .

Center for Civic Education < <http://www.civiced.org> > .

Constitutional Rights Foundation < <http://www.crf-usa.org/information.html> >

U.S. National Archives and Record Administration
< <http://www.archives.gov> > .

Image of The Bill of Rights



For a higher resolution image go to:

< http://www.archives.gov/exhibit_hall/charters_of_freedom/high_resolution_images/us_bill_of_rights.jpg >

Preamble to the Bill of Rights

Congress of the United States

*begun and held at the City of New York, on
Wednesday, the fourth of March, one thousand seven hundred and eighty nine.*

THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution.

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all, or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz.

ARTICLES in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

Source: < <http://www.law.umkc.edu/faculty/projects/ftrials/zenger/burningorder.html> >

The First Ten Amendments The Bill of Rights

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Amendment II

A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

Amendment III

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Amendment VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The Bill of Rights (Ratified in 1791)

First Amendment

Guarantees freedom of religion, speech, press, assembly, and petition.

Second Amendment

Guarantees the right to keep and bear arms, since a state requires a well-equipped citizen army for its own security.

Third Amendment

Prohibits the lodging of soldiers in peacetime, without the dweller's consent.

Fourth Amendment

Prohibits unreasonable searches and seizures of persons or property.

Fifth Amendment

Guarantees the right to trial by jury, due process of law, and fair payment when private property is taken for public use, such as in eminent domain; prohibits compulsory self-incrimination and double jeopardy (trial for the same crime twice).

Sixth Amendment

Guarantees the accused in a criminal case the right to a speedy and public trial by an impartial jury and with counsel; allows the accused to cross-examine witnesses against him or her, and to solicit testimony from witnesses in his or her favor.

Seventh Amendment

Guarantees a trial by jury for the accused in a civil case involving \$20 or more.

Eighth Amendment

Prohibits excessive bail and fines, as well as cruel and unusual punishments.

Ninth Amendment

Establishes that citizens have rights in addition to those specified in the Constitution.

Tenth Amendment

Establishes that those powers neither delegated to the national government nor denied to the states are reserved for the states.