

THE BILL OF RIGHTS

SS.8.CG.2.5 Analyze how the Bill of Rights guarantees civil rights and liberties to citizens.

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2023 BENCHMARK UPDATES

- Updated from SS.8.C.1.5
 - Changed from “~~Apply the rights and principles contained in the Constitution and Bill of Rights to the lives of citizens today~~” to “Analyze how the Bill of Rights guarantees civil rights and liberties to citizens”.
- Depth of Knowledge Changes within Benchmark
 - Changed from “Apply” to “Analyze”
- Benchmark Clarification Changes
 - Benchmark clarifications are an addition to the 2023-2024 middle school civics and government benchmarks. Benchmark clarifications are listed in the lesson summary below.
- Vocabulary Changes
 - No changes

Essential Teacher Content Background Information

[Teacher Content Notes Not Appropriate For Student Use]

This section addresses the following topics:

1. The U.S. Bill of Rights: Substance, Background and Ratification
2. Extension of the Bill of Rights to the States
3. Civil Rights vs. Civil Liberties

1. The U.S. Bill of Rights: Substance, Background and Ratification

The “Bill of Rights” is the first ten amendments of the U.S. Constitution; the Bill of Rights was ratified in 1791. It was intended to protect the people from the federal government abusing its power, specifically as to the rights of political and religious expression, the rights and protections afforded individuals accused of crimes, private property protection, and the rights of the people as they relate to federal and state laws. The Bill of Rights also includes rights related to gun ownership and the housing (quartering) of soldiers.

While the Bill of Rights was not included in the original U.S. Constitution, the notion that the federal government would abuse its powers relative to the people was very much a part of the constitutional debate. The Anti-Federalists, who advocated states’ rights and decentralized government, strongly opposed the federal, shared powers arrangement advocated by the Federalists reflected in the U.S. Constitution. The Anti-Federalists feared that the failure of the Federalists to include rights that would protect the people from the federal government would result in that government abusing its newly acquired power. The Anti-Federalists suggested a compromise position where, once the Constitution was ratified, a series of amendments enumerating specific protections would be considered by the new Congress.

The first word of the Bill of Rights, “Congress”, speaks to the focus of the Bill of Rights on the federal government. Under the Bill of Rights, citizens are guaranteed the right to free speech, free press, free religious exercise, assembly, and the right to petition the government. Citizens are also guaranteed that Congress will not establish a religion, which is a right related to, though different from, free religious exercise. The Bill of Rights also protects those accused of a crime in that they are entitled to due process of law, and are protected from incriminating themselves, “cruel and unusual” punishment, unreasonable search and seizure and being tried twice for committing the same crime. The concept of “due process” also includes the right to legal representation in criminal trials, the right to face one’s accuser, and the right to trial by jury. The Bill of Rights also protects property rights in that citizens may not be forced to house military personnel during peacetime and only during wartime by an act of Congress, and that citizens’ property may only be taken with “just compensation”.

The Ninth Amendment recognizes that the Bill of Rights does not include all rights that are protected by the Bill of Rights. The Ninth Amendment states that rights that are not otherwise listed (enumerated) remain extended to the people. Rights not listed in the first eight amendments that have been recognized by the U.S. Supreme Court as Ninth Amendment rights include the right to privacy and the right to have children.

Other rights that have been extended to citizens linked to political expression include the right to vote (suffrage). These rights are enumerated in the 13th, 14th, 15th, 19th and 26th amendments as they extend to specific populations, as well as other voting rights related to election procedures (24th Amendment).

2. Extension of the Bill of Rights to the States

The Bill of Rights has been subject to extensive interpretation by the U.S. Supreme Court. Many argue that the most notable interpretation occurred when the Court decided, in *Gitlow v. New York* (1925), that the 14th amendment could serve as a tool for applying the Bill of Rights to state law. The 14th amendment includes “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” The *Gitlow* case extended the “equal protection” and “due process” clauses of the Bill of Rights to the states on a selective basis. Because states may not deny U.S. citizens their due process and equal protection rights under the 14th amendment, U.S. citizens are protected when state laws deny them their rights under the federal Bill of Rights.

The process where the U.S. Supreme Court interprets state laws according to the protections established in the Bill of Rights is called “selective incorporation”—the court “selects” cases dealing with specific laws that, if found to violate the federal Bill of Rights, are “incorporated” into the Bill of Rights. This holds true even though the Bill of Rights was intended to protect citizens from the federal government and not the state governments.

3. Civil Rights vs. Civil Liberties

While often used interchangeably, including in this benchmark, the terms “civil rights” and “civil liberties” are not the same. Civil rights come from the idea of equality. Oftentimes, the term civil rights is associated with actions the government takes to ensure equal conditions for all Americans. Civil liberties refer to personal freedoms protected from government interference. When discussing the Bill of Rights, those are civil liberties. Examples of civil rights protections can be found by examining many of the amendments, laws, and statutes passed during the Reconstruction Era and the Civil Rights Movement of the 1950s/1960s.

Lesson Summary

ESSENTIAL QUESTION		
How does the Bill of Rights guarantee civil rights and liberties to citizens?		
BENCHMARK		
SS.8.CG.2.5 Analyze how the Bill of Rights guarantees civil rights and liberties to citizens.		
CIVICS EOC REPORTING CATEGORY		
N/A		
OVERVIEW		
In this lesson, students will examine the Bill of Rights, explaining the meaning and purpose of each amendment in guaranteeing individual rights and liberties.		
BENCHMARK CLARIFICATIONS		
<ul style="list-style-type: none">Students will explain the meaning and purpose of each amendment in the Bill of Rights.Students will describe how the Bill of Rights affects citizens and government.		
BENCHMARK CONTENT LIMITS		
N/A		
CIVICS CONTENT VOCABULARY		
<ul style="list-style-type: none">amendment, Bill of Rights, citizen, civil liberties, civil rights		
INSTRUCTIONAL STRATEGIES		
Close reading of complex text	Collaborative learning	Primary source analysis
MATERIALS		
<ul style="list-style-type: none">Timer (optional)The Bill of Rights: How Did It Happen? reading (external link)The Bill of Rights readingAnalyzing the Bill of Rights Graphic OrganizerKnow Your Rights: Examining the Bill of Rights interactive tutorial (external link; optional)2-3 teacher selected current event articlesCurrent Event Article Activity		
B.E.S.T. STANDARDS		
<ul style="list-style-type: none">ELA.8.V.1.3- Apply knowledge of context clues, figurative language, word relationships, reference materials, and/or background knowledge to determine the connotative and denotative meaning of words and phrases, appropriate to grade level.		

- ELA.K12.EE.1.1- Cite evidence to explain and justify reasoning.

Suggested Student Activity Sequence & Pace

DAY	ACTIVITY SEQUENCE
DAY 1	<p>Planning Note: Prior to this lesson students should have learned about the Constitutional Convention, the arguments for and against U.S. Constitution ratification (Federalists and Anti-Federalists), and how those arguments resulted in the inclusion of ten amendments to the U.S. Constitution.</p> <ol style="list-style-type: none"> 1. Begin the lesson by reviewing reasons for opposition to the newly written (in 1787) U.S. Constitution. 2. In a notebook or on scratch paper, have students respond to the question: During the ratification debate, what fears did opponents have in regards to the powers that the U.S. Constitution gave the national government? 3. Have students share out some of their responses. 4. Explain to students that in this lesson they will learn about how those fears translated into ensuring individual protections from government power were included in the U.S. Constitution: the Bill of Rights 5. As a class, complete the reading “The Bill of Rights: How Did It Happen?” from the National Archives. While reading, have students pause and circle words/vocabulary they find important and summarize sections off to the side. 6. After reading, review what students learned with a whole class discussion, summarizing the information. 7. Now that students have a more firm understanding of the reasons for the inclusion of the Bill of Rights, explain that they are going to learn more about the individual amendments. 8. Pass out copies of “The Bill of Rights” reading and the “Analyzing the Bill of Rights Graphic Organizer” to each student. 9. As a class, read the text of the First Amendment from the handout. 10. Have students take several moments to put the amendment in their own words on the graphic organizer. 11. As students write, circulate the classroom to monitor for engagement and understanding. 12. Have students share out some of their responses, with students able to modify their own work based on their changing understanding from their classmates’ responses. 13. Now move on to the other two columns on the graphic organizer, having students note what rights the First Amendment gives to either individuals or the government, as well as any limits it puts on them. 14. Again have students share out responses, with students again able to modify their own responses based on their changing understanding. 15. Assign students to pairs or small groups. 16. Explain that next, students are going to read and fill in their graphic organizer for the next four amendments (2nd through 5th) of the Bill of Rights. 17. In their pairs/groups, students should read through Amendments 2-5, discussing what they think each means. Instruct students that as they read, they should circle any words they find confusing and underline any words they think are important. 18. As students write, circulate the classroom to monitor for engagement and understanding, as well as help them comprehend any words they’ve circled. <p>Teacher Note: You may need to set a timer for either this entire portion of the activity or for each of the four amendments students are working on to be sure they are completing in a reasonable amount of time. You can use the answer key below to help monitor responses.</p> <ol style="list-style-type: none"> 19. Once all students have completed their graphic organizer through the 5th Amendment,

	<p>students will stand up and split up from their groups. Students will circulate around the room to find a new partner.</p> <p>20. With their new partner, students will take turns sharing their responses to the 2nd Amendment row.</p> <p>21. Students should again modify/add to their responses as their understanding grows. Teacher Note: You may again need to set a timer as students share their responses with each other to be sure you finish the first five amendments today.</p> <p>22. Repeat this sharing activity for Amendments 3 through 5, each time with a new partner.</p>
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DAY 2	<ol style="list-style-type: none"> 1. Begin the class with a review of the first five amendments in the Bill of Rights based on the previous day's reading. 2. Have students take out their "Analyzing the Bill of Rights Graphic Organizer" and pass back out "The Bill of Rights" reading. 3. Repeat the instructions from the previous day, now having students continue on the back of the graphic organizer to complete amendments 6-10. 4. When finished with the graphic organizer, students will complete the same activity from the day before, moving around the room and finding a different partner for each amendment to share, review, and modify responses with. Teacher Note: You may again need to set a timer as students share complete both portions of the activity today to ensure all amendments are completed by the end of the class period. 5. End class by having students share out some of their responses to the 6th through 10th amendments, with students modifying their own response based on their changing understanding from their classmates' responses. Teacher Note: If students complete the remainder of their graphic organizer with a large amount of class time remaining, you could have them individually, in small groups, or as a whole class, review the Bill of Rights through this "Know Your Rights: Examining the Bill of Rights" interactive tutorial through the CPALMs website.
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DAY 3	<p>Planning Note: Prior to this class, locate 2-3 student appropriate current events that connect to relevant constitutional rights and/or civil liberties. Suggested sites to find articles include: https://billofrightsinsitute.org/current-events and https://floridacitizen.org/civics-in-real-life/. Depending on teacher preference, you could print copies or have students access digitally.</p> <ol style="list-style-type: none"> 1. Begin class by having students form pairs/groups. 2. Explain to students that they will conclude their study of the Bill of Rights by analyzing how the rights contained in these ten amendments affect citizens and government today. 3. Pass out copies (or have students access digitally) of one of the pre-selected current event articles pertaining to constitutional rights and/or civil liberties and a half page of the "Current Event Article Activity". 4. In their pairs/groups, students will read the article and fill in the following on their sheet: <ul style="list-style-type: none"> ■ One sentence summary of the event described ■ Which amendment applies to the article? ■ Which civil rights and liberties are being addressed? Are they being expanded or limited? ■ Who is impacted? How?
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| | <ol style="list-style-type: none">5. As a class, have students share out their thoughts for the questions above, engaging in a discussion to reinforce knowledge gained or correct any misconceptions.6. Repeat steps 3-5 for any remaining articles that you have chosen. For a true formative assessment, have the students complete one individually and turn in their responses. |
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Civics Content Vocabulary

Word/Term	Definition
amendment	a modification or change in a written constitution
Bill of Rights	the first 10 Amendments to the U.S. Constitution
citizen	a legal member of a state or country
civil liberties	refers to personal freedoms protected from government intrusion (ex. right to free speech)
civil rights	an enforceable right or privilege, which if interfered with by another gives rise to an action for injury (ex. the right to vote)

ADDITIONAL RESOURCES

[Civics 360 Resources](#)

Florida Department of Education's Civic Literacy Reading List

- N/A

ANSWER KEYS

Sample Answers: Analyzing the Bill of Rights Graphic Organizer

Note: Current Event Article Activity answers will vary based on articles chosen

SOURCES

U.S. Constitution & Bill of Rights: <https://www.archives.gov/founding-docs/constitution-transcript>

Cornell Law School Legal Dictionary:

https://www.law.cornell.edu/wex/civil_rights#:~:text=Civil%20Rights%20and%20Civil%20Liberties&text=Civil%20rights%20are%20not%20in,in%20the%20Bill%20of%20Rights.

The Bill of Rights: How Did It Happen? from the National Archives:

<https://www.archives.gov/founding-docs/bill-of-rights/how-did-it-happen>

CPALMs Student Tutorial, Know Your Rights:

<https://www.cpalms.org/PreviewResourceStudentTutorial/Preview/119020>

Bill of Rights Institute Current Events: <https://billofrightsinstitute.org/current-events>

“Civics in Real Life” from the Florida Joint Center for Citizenship:

<https://floridacitizen.org/civics-in-real-life/>