

## The Living Constitution: The Bill of Rights and Later Amendments



### Guiding Questions:

What powers does the U.S Constitution provide Americans and their government?

How is the U.S. Constitution a “living document” - debated and applied to situations in our world today?

How do U.S. citizens’ Constitutional rights compare to people’s rights in other countries?

**Learning Objectives:** Students will examine how Constitutional amendments provide specific rights to people in the United States. Students will explore how interpretations of the Constitution have changed over time when applied to situations in our world. Students will analyze and evaluate debates relevant to the amendment. Students will compare and contrast their amendment with people’s rights in other countries.

**Directions:** Follow the steps below as you investigate answers to our essential question, guiding questions and learning objectives.

**Step 1(RESEARCH):** Choose one constitutional amendment topic and become an expert on exactly how this law provides a specific right to people in the United States. *Answer the following inquiry questions for each amendment on a separate sheet of paper/document. Use the weekly document as a research tool.*

a) **Rights** - Explain what powers/rights/restrictions the amendment provides U.S. citizens.

b) **Historical Context** - When and why was the amendment passed? Describe the historical context surrounding the amendment. Identify important events, people, ideas that influenced the passing of the amendment.

c) **Current Debate** - Investigate at least two debates in American culture centered around the amendment. How have Supreme Court cases, laws and executive actions shown debate over this topic? What current events relate to this topic? Why is the amendment still relevant and debated today? How have advances in technology and other culture changed the interpretation of the amendment over time?

d) **International Perspective** - Compare and contrast the amendment with at least two other countries through creating *top hat organizers*. Do people globally have the same rights as U.S. citizens?

**Step 2 (CREATE and PRESENT):** Prepare and deliver an oral presentation about your topic.

**TASK 1:** Revise your research, study oral presentation techniques and prepare 6 to 10 note-cards for your oral presentation. Use the grading rubric to guide your work and ensure you prepare an awesome presentation.

**TASK 2:** Design a self-expressive artifact dedicated to a person, idea or event related to your topic. You will share your creation during your class presentation. Ideas for the artifact include: a piece of art, music, writing, fashion, or food. Use the grading rubric to guide your work.

## The Living Constitution Project Topics

For every topic, there are specific components you will need to research in order to fully understand the history and importance of the Amendment (see instructions handout Step 1). Additionally, each topic contains at least one **topic focus** showing the Amendment's continued debate and relevance in our American lives. Each **topic focus** will allow you explore how our nation has always wrestled with balancing individual rights and the common public good. American history is full of stories where people have used Constitutional laws to gain their rights and achieve justice. Conversely, your research may reveal moments where our country has not lived up to the noble ideas in the Constitution, such as in the case of George Stinney Jr. Still, for over 230 years, American people have used our nation's laws and the government to expand individual rights whenever possible.

The U.S. Constitution continues to be a living document helping to shape and define our rights as Americans. Each Amendment topic below is divided into a specific **topic focus** that you will explore in the "Debate" part of your research. For example, if your topic is the First Amendment, you can choose to investigate *either* **topic focus A** or **B** (see below).

**Task:** Spend some time briefly discussing and researching the topics with your partner. Be sure to explore the Living Constitution Project Research Guide on the 8<sup>th</sup> grade Miller Weebly site. Fill out the attached form to ensure you have thoughtfully selected at least 3 topic choices. You may not get your 1<sup>st</sup> choice.

**First Amendment:** Freedom of speech, press, religion, assembly and petition

### Topic Focus

- A) First Amendment – Speech, self-expression and religion in school (Prayer in school, bullying and harassment)
- B) First Amendment - Offensive speech and censorship (Flag burning, hate speech, censorship of the press media, fake news)

**Second Amendment:** Right to bear arms

### Topic Focus

- C) Gun Control Laws and 2<sup>nd</sup> Amendment rights – what's the right balance?

**Fourth Amendment:** Prohibits unreasonable search and seizure, requires search warrants

### Topic Focus

- F) Government spying and privacy rights; privacy rights in schools – what's the right balance?
- G) Search warrants in criminal investigations

**Fifth Amendment:** due process, no self-incrimination, double jeopardy and eminent domain

Topic Focus

H) Due Process, no self-incrimination, double jeopardy (What are the rights of “accused” people? Debates include: rights of “accused” criminals and terrorists; double jeopardy gone wrong – when criminals go free; juvenile justice, “taking the 5<sup>th</sup>” in court and in police custody)

I) Eminent domain (When can the government take private land/property for public use? Durango’s “Bridge to nowhere”; Should the river trail be extended north? Can the government give taken land to a private developer?)

**Sixth Amendment:** Right to a fair and public trial in criminal cases

Topic Focus

J) Rights of the “accused” in criminal cases; juvenile justice

**Eighth Amendment:** Prohibits excessive bail/fines, no cruel and unusual punishment

Topic Focus

K) Does the death penalty violate the 8<sup>th</sup> Amendment?

**Tenth Amendment:** States have the right to make laws not mentioned in the Constitution.

Topic Focus

L) State’s Rights – How and why can states pass laws that sometime conflict with federal law? (Immigration, Legalization, Abortion, Death Penalty)

**Thirteenth Amendment:** Declares slavery or involuntary servitude illegal in the United States

Topic Focus:

M) How does the 13<sup>th</sup> amendment apply to prisoners today in the United States?

**Fourteenth Amendment:** Provides citizenship and equal protection for people born in the U.S.

Topics Focus:

N) The equal protection clause; Does the 14<sup>th</sup> amendment protect people when they are treated unequally? (Gender rights, LGBTQ rights, Literacy rights, Affirmative Action, Bullying, etc)

O) Birthright Citizenship and Immigration

**Fifteenth Amendment:** Provides the right to vote to all races

Topic Focus:

P) Voter ID Laws and voter gerrymandering; voting rights and convicted felons

**Nineteenth Amendment:** Provides the right to vote regardless of gender

Topic Focus

Q) The Women’s Rights Movement; Has gender equality been achieved today?

