

NOTE: This lesson plan includes a game show that relies on the students having read the following sections from Chapter 7—Individual Rights and Liberties: Introduction and Freedom of Speech/Press/Association and Discrimination (Equal Protection). In the previous class, assign pp. 429-466 and 489-521 as homework.

Lesson: Individual Rights
Time: One class period

Materials Checklist:

- Current events overhead
- Find-the-Amendment overhead (2 pages)
- “Squares” overhead
- Xs and Os
- Prizes (packets of M&Ms, cookies, etc.)
- Coin (for tossing)
- Nametags/tent cards

I. Goals

- A. Have a general understanding of the individual rights enshrined in the U.S. Constitution.
- B. To better understand where these rights come from, and why we value them as we do.
- C. To understand that our individual rights are not absolute, and may be limited by other compelling public interests.

II. Objectives

- A. **Knowledge Objectives:** As a result of this lesson, students will understand:
 - 1. Which components of the U.S. Constitution protect individual rights
 - 2. That many rights are in local laws, and that the U.S. Constitution is a floor below which rights may not fall
 - 3. How these rights are limited, such as to protect others when our rights conflict with those of the public at large
 - 4. Understand in what context our rights apply, i.e. in many cases only to state action
 - 5. Understand the basics on the law that relates to freedom of expression
- B. **Skills Objectives:** As a result of this lesson, students will be better able to:
 - 1. Articulate some background reasons why they think we value and protect individual rights so strongly in this country
 - 2. Brainstorm rights that should be added to/deleted from our current Constitution
 - 3. Recognize the wide-ranging effects of the Constitution on the make up of laws and attitudes in the U.S.
 - 4. Navigate through the U.S. Constitution to better understand where many of our rights come from
- C. **Attitude Objectives:** As a result of this lesson, students will feel:
 - 1. Empowered by their knowledge of the individual rights guaranteed them by the federal Constitution
 - 2. An appreciation for their roles as citizens
 - 3. An appreciation for the complex balancing that is required to guarantee everyone the rights provided for in the federal Constitution

III. Classroom Methods

- A. **Current Event highlighting an Individual Right.** [Note: This lesson plan uses a current event from Spring 2001: the Timothy McVeigh execution and the First Amendment. Issue: Should it be broadcast/webcast? Discuss reasons for and against. The overhead attached includes images of Timothy McVeigh, the Oklahoma City Memorial and the execution chamber layout. Obviously, any current event would work.]
1. **Place overhead** with images from the current event.
 2. **Ask students to identify the issue(s) at stake.**
 - a) Ask for a gut level reaction. Solicit their opinion.
 3. **Discuss reasons for and against.**
 - a) Possible reasons for: press freedom; right of the public to “know” what’s going on; ability to monitor our government.
 - b) Possible reasons against: right to privacy of condemned person; doesn’t advance freedom of the press, but just a macabre spectacle; we don’t “need” to know about this in such an overt fashion; what if children happen to turn on the TV and see it (right *not* to know); what if McVeigh became a martyr and more destruction ensues by followers?
 4. **Explain that much of “constitutional law” involving balancing peoples’ individual rights.**
 - a) In this case, a federal judge in Indiana refused to allow Entertainment Network, Inc., an Internet company, to webcast the execution after they sued the U.S. Department of Justice and Federal Bureau of Prisons for the right based on freedom of the press. Instead, the execution was due to be broadcast by closed-circuit television to victims’ families only. A law commentator suggested that allowing witnesses to observe the execution satisfies whatever obligation the government has to the public.
- B. **General Discussion of Individual Rights.** Today we’re going to talk about Individual Rights, especially those enshrined in the U.S. Constitution. *See back of student text for the text of the Constitution. p.549 →.*
1. **Brainstorm/Question:**
 - a) **What are some of the important rights that we protect?**
 - (1) Possible answers: Freedom of expression, association, religion, privacy, freedom of the press, unreasonable search and seizure, due process, right to lawyer/jury, freedom from self-incrimination, cruel and unusual punishment, no slavery, vote, equal protection, right to travel freely
 - b) **Why do we protect these rights? Encourage students to think beyond “Because they’re in the Constitution” and think about why we believe they should be protected.**
 - (1) Possible answers: Marketplace of ideas; think everyone should have ability to speak; we then to fear an overly powerful government; we value the individual; historical experience w/ more repressive governmental regimes; we think people should be treated fairly, regardless of race, religion, etc.; we think personal property is important.
 - c) **Are our rights absolute?**
 - (1) No. Limited in many ways, mostly by the effect our actions have on other persons. E.g. We don’t have an absolute right to privacy if, say, probable cause for search warrant. Can be incarcerated. Can’t yell “fire” in a crowded theatre. etc.
 - (2) Discuss notion of balancing tests. A large part of our rules, and of court’s interpretations of the Constitution come down to balancing competing interests, figuring out where to draw the line.
 - d) **In addition to the Constitution, many statutes provide for enhanced rights. What makes the Constitution special?**

- (1) Much harder to change, supreme law of the land. Inviolable.
- e) **What are some of the rights that are not in the Constitution that you think should be? Or rights that are there that don't need to be?**
- (1) Possible answers to "additional rights": right to welfare; equal rights between men and women; right to health care.
- (2) Possible answers to "deletion": right to bear arms; right to jury in civil cases (as in UK, Canada, etc.).

2. **Review of key components to U.S. Constitution. [Overhead]**

- a) **Ask students to identify where each right comes from, using their textbooks if necessary, from p. 549. Write down each Amendment on overhead as students answer.**

Freedom of Speech, Religion, Press, Assembly and Petition (1st A)

Right to Bear Arms (2nd A)

Protection against unreasonable searches and seizures (4th A)

Right to due process of law, freedom from self-incrimination (5th A)

Right to Lawyer, an impartial jury and a speedy trial in criminal cases. (6th A)

Right to jury in civil cases. (7th A)

Bar against cruel and unusual punishment and excessive bails or fines. (8th A)

Prohibition against slavery (13th A)

Equal protection of the laws for all citizens / Due process applies to States (14th A)

Vote can't be denied persons because of race or color (15th A)

Women have the right to vote (19th A)

Persons 18 years of age and older have the right to vote (26th A)

- b) **Brief lecture/discussion:** Although we take many of these rights for granted, and even though the Constitution has been around for well over 200 years, its interpretation has changed over time. The actual meaning of our rights has evolved. For instance, many people were arrested and jailed during the Red Scare and WWI for speaking out against the gov't, even though the 1st Amendment's wording has remained the same since its inception. Similarly, although one can't be denied the right to vote b/c of race/color since 1870, under Jim Crow, many people were effectively barred from voting and didn't get substantive rights to vote until the Voting Rights Act of 1965.
- c) Takes money and effort to enforce rights.

C. **Individual Rights "Hollywood Squares" Game Show.**

1. **Instruction.** Hope you've done your reading! We're going to play Individual Rights Hollywood Squares. Materials: prizes, "X" and "O" markers, coin.
- a) **Everyone will get a chance to be a contestant and/or a star.**
- b) **Arrange the desks so that there are 9 seats grouped together in three rows of three.**
- c) **Need 9 volunteers to be stars.** Remaining people will be contestants. Will have at least a 2nd round. [Note: in our class, we ended up playing 4 rounds—it all depends how quickly and accurately students answer questions.]
- d) **Rules of the game:**
- (1) We'll be in two teams, X and O. We'll flip a coin to see which team goes first for each round.
- (2) Once Team X or Team O is designated to begin, they choose a star in a square of whom to ask a question. Our hosts (Street Law teachers) will ask a question of the star in the square chosen by said team.
- (3) The star will answer and the team that is up determines whether they agree or disagree. They will have 30 seconds. If they answer

correctly, the teammates and the star get the square (and a prize). If the answer is wrong, the opposing team gets the square. [Only difference is that on the final, winning question, a wrong answer does not immediately go to other side, but an correct answer must be “earned”.]

(4) The first team to get a series of 3 (like in Tic, Tac, Toe) wins. Stars are encouraged to answer correctly. Each winning team gets a prize.

e) **Any questions on the rules?**

f) **Ask for volunteers to be stars.** Let them decide who to be and write their “name” on nametags (or on tent cards). Have stars introduce themselves to the class. (Point is to have fun with this).

g) **Remaining people can be contestants for the first round.**

h) **Arrange stars in seats and have teams at the front.** One host will speak from lecturn and the other will mark X and O as questions answered correctly.

2. **Play game.**

a) **Flip coin.**

b) **Read off questions and ask for answer. Debrief as necessary. [See attached questions]**

c) **Repeat for subsequent rounds.**

IV. **Evaluation**

- A. Participation in discussion re: current event, and advocacy for or against.
- B. Participation in discussion re: individual rights.
- C. Responses to questions in game show.

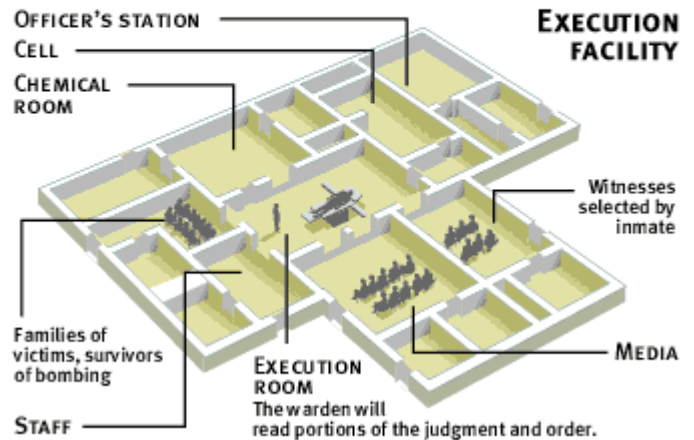
V. **Assignment**

THE EXECUTION OF TIMOTHY MCVEIGH



Witnesses to the execution

About 30 people will witness the May 16 execution of Timothy McVeigh at the federal penitentiary in Terre Haute, Ind. Some 300 more survivors and relatives of victims of the bombing will view the execution via close-circuit television from Oklahoma City.



SOURCE: Federal Bureau of Prisons

AP/MSNBC

Important Rights Protected in the U.S Constitution FIND THE AMENDMENT

Freedom of Speech, Religion, Press, Assembly
and Petition

Right to Bear Arms

Protection against unreasonable searches and
seizures

Right to due process of law, freedom from self-
incrimination

Right to Lawyer, an impartial jury and a speedy
trial in criminal cases

Right to jury in civil cases

Bar against cruel and unusual punishment and
excessive bails or fines

Prohibition against slavery

Important Rights Protected in the U.S. Constitution FIND THE AMENDMENT

Equal protection of the laws for all citizens
Due process applies to States

Vote can't be denied persons because of race or
color

Women have the right to vote

Persons 18 years of age and older have the
right to vote

GAME SHOW QUESTIONS

Which Constitutional Amendment gave women the right to vote in 1920?

The 19th.

True or false: Students in private schools have greater free speech protection than students in public schools.

False. Public schools, as state institutions, are limited by the Constitution via the 14th Amendment, whereas private schools are merely private institutions.

Which Constitutional Amendment gave persons 18 years of age and older the right to vote? The 9th, the 15th or the 26th?

The 26th Amendment in 1971.

True or false: the right to be free from discrimination based on sexual orientation is protected by the Constitution.

False.

Which one of the following types of speech is protected? Defamation, obscenity, fighting words, or flag burning?

Flag burning.

What was the “separate but equal” doctrine?

Laws that created separate facilities for whites and African Americans, which were ostensibly equal. This doctrine was used to avoid racial integration for many years during the Jim Crow era.

Name the 1954 Supreme Court case that did away with the “separate but equal” doctrine and required the racial integration of public schools “with all deliberate speed”?

Brown v. Board of Education

What does Title IX of the Education Act of 1972 do?

Prohibits sex discrimination in schools. One major area that’s been affected is equality in women’s athletics.

True or false: when your neighbor enters your house without your permission, your constitutional right to privacy has been violated.

False. Your right to privacy applies only to state actions, like the police or the gov’t generally. Might be trespass or theft, but not a violation of your constitutional right to privacy.

The right to free speech is protected by which Amendment to the Constitution?

The First Amendment.

Public high school students write an underground newspaper on their own time, with their own resources and distribute the paper at a class picnic. The newspaper has the results of an opinion poll about each teacher. Some of the articles are very critical of the teachers. Is this speech protected by the First Amendment?

Yes, it is protected. Newspapers produced away from school with students' resources and on student time are given protection of the First Amendment. (However, if any of the articles contain false information that damage the teacher's reputation, the speech is unprotected defamation.) Student newspapers that are sponsored by the school and written with school resources and support may generally be controlled by the school administration.

True or false: government may restrict the time, place and manner of speech.

True. Gov’t may restrict content, however, with only a few very narrow exceptions: defamation, obscenity, false advertising.

Why are laws that require someone to be 16 to get a driver's license OK? Don't they discriminate based on age?

Yes, they do discriminate based on age, but it is considered a reasonable discrimination and thus, is not unconstitutional. Forbidding, say, left-handed people from driving would not be reasonable.

Name a method that was used to integrate public schools after *Brown v. Board of Education*.

Bussing, redrawing school district boundaries, transferring teachers, creating magnet schools.

What is the purpose of affirmative action?

A remedy to deal with the effects of discrimination. Takes positive steps to remedy past discrimination in education and employment.

Which constitutional amendment guarantees "equal protection of the laws" for all persons?

The 14th Amendment.

What is quid pro quo sexual harassment?

The direct exchange of job opportunities for sexual favors—when someone is provided with, or threatened to lose, a job benefit in exchange for responding to unwelcome advances.

The Age Discrimination in Employment Act protects older workers. At what age does protection under this law begin, i.e. to whom does this Act apply?

To workers 40 years of age or older.

Are persons with AIDS protected under the Americans with Disabilities Act for discrimination based on their disease?

Yes.

True or false: Some local laws provide more protection for individual rights than the federal Constitution does.

True. For instance, the Washington Constitution provides more protection for free speech and privacy than does the federal constitution. Similarly, the City of Seattle prohibits discrimination based on sexual orientation, whereas neither the federal nor the state constitutions do.

What is the Bill of Rights?

The first 10 amendments to the Constitution, where many of the most important protections for individual rights are enshrined.

X

