Bill of Rights Hypotheticals

Objectives

• To examine the rights contained in the Bill of Rights.
• To understand that many of the rights are not absolute.
• To identify which part of a particular amendment is related to each specific situation.

Resources

Student Handout – Bill of Rights Hypotheticals

Introduction

“No unreasonable search and seizure, free speech, no cruel and unusual punishment.” These phrases from the Bill of Rights are often seen by students as just more information to memorize. To truly understand the importance of the protections in the Bill of Rights, students must be asked to apply and discuss the amendments. This activity is designed to help them do just that—apply the amendments to hypothetical situations and discuss their importance.

Procedures

1. Either in small groups or individually, choose five of the situations have the students read each and decide if it contains a violation of a right granted by the Bill of Rights.

2. After they have completed the situations, ask them to discuss which situations contained violations and which situations were properly conducted under the Constitution. A number of questions related to the connection between the amendments could also be posed. Asking students to categorize the amendments by their results is a useful way for them to remember the amendments.

3. Resource Person: An attorney can help discuss the students’ answers and the rationale for the protections granted by each amendment.
Bill of Rights Hypotheticals

Read the following hypothetical situations and decide whether each one contains a violation of the Bill of Rights. For each, write the number of the amendment and the appropriate phrases from the amendment that relate to the situation.

1. A 20 year old college student starts his own newspaper which often prints articles making fun of the local mayor. The mayor is angry and gets his aides to take the papers off the stands before they can be distributed. (See First Amendment)

2. A woman is being tried for murder. The prosecuting attorney forces her to take the stand and testify. (See Fifth Amendment)

3. A student wears a button to school urging people to vote for a certain candidate for President of the United States. Some other students don't like the candidate and ask the principal to force the student to take off the button. The principal refuses to tell the student to remove the button. (See First Amendment)

4. A dentist is being sued for $500,000. He wants a jury to hear the case but the judge refuses his request. (See Seventh Amendment)

5. A young woman is being tried for treason. She is accused of selling plans for building a nuclear warhead to Iran. The judge believes it would be dangerous to let the public hear her ideas. He refuses to allow anyone to view the trial. (See Sixth Amendment)

6. A group of teenagers gather quietly on a street corner. Neighbors complain and ask the police to arrest them for getting together as a group. The police refuse. (See First Amendment)

7. A town needs more land to build a new elementary school. A woman's property is needed, but she wants to keep it. The town forces her to sell and gives her twice the property's actual value. She sues to get her land back. (See Fifth Amendment)

8. The government tries a man for murder and loses the case. A jury says he is innocent. The district attorney who prosecuted the case is mad and promises to keep trying him until they get a jury to convict him. The defendant thinks this is unfair. (See Fifth Amendment)
Bill of Rights Hypotheticals
Information for Teachers/Attorneys (Answer Key)

1. IS a violation of the student’s First Amendment rights to free press.

2. IS a violation of the woman’s Fifth Amendment right protecting her from self-incrimination.

3. IS NOT a violation. The principal behaved in a constitutional manner by refusing to violate the student’s First Amendment right of free speech (wearing a political button is considered political speech protected by the First Amendment). If the principal believed the button could cause a riot or seriously disrupt the school, the principal could prevent the student from wearing it.

4. IS a violation. The Seventh Amendment guarantees the right to a jury trial if requested in civil cases where the value in controversy exceeds $20.00.

5. IS a violation. The Sixth Amendment guarantees the right to a public trial.

6. IS NOT a violation. The police were upholding the teenagers’ First Amendment right to assemble when they refused to arrest the teenagers for standing on the street corner. However, if the group was blocking access to a store or house, police have the right to remove them.

7. IS NOT a violation. The Fifth Amendment allows the government to take private property for public use, as long as the owner receives a fair price (called condemnation of property).

8. IS a violation. The Fifth Amendment prohibits a person from being tried twice for the same crime.