

Constitution USA Episode 2

It's a Free Country

Name:
Period:

Enduring Understandings

- Governments evolve just like people grow.
- The interpretation of America's founding documents has defined and redefined our rights over time.
- The personal values of people can motivate their political interests.
- Essential documents lay the foundation for government.

In this episode you will explore the delicate balance between rule of law and individual freedom. Use this guide to help you pull key ideas from the video and help you build your understanding of the rights and responsibilities that are in the Bill of Rights.

Key Terms

Fundamental Right

Fundamental rights are a group of rights that have been recognized by the Supreme Court as requiring a high degree of protection from government encroachment. These rights are either specifically identified in the Constitution (especially in the Bill of Rights), or have been identified through different court opinions using the Due Process Clause.

Ratification

Amendments to the Constitution can begin either in Congress or through a special constitutional convention called by the states. So far, all amendments have begun with the Congress, which can send amendments to the states for ratification whenever two-thirds of the members in both the House and the Senate approve a special joint resolution. According to the Constitution, Congress can specify two ways for states to ratify—either through their state legislatures or by special convention. So far, only the Twenty-First Amendment, which repealed Prohibition, has been ratified by special conventions. Whether by legislative vote or convention vote, three-fourths of the states must ratify a proposed amendment before it becomes part of the Constitution.

Individual Rights

The constitution of a democracy guarantees the rights of the people. A right is a person's justifiable claim, protected by law, to act or be treated in a certain way. For example, the constitutions of democracies throughout the world guarantee the political rights of individuals, such as the rights of free speech, press, assembly, association, and petition. These rights must be guaranteed in order for there to be free, fair, competitive, and periodic elections by the people of their representatives in government, which is a minimal condition for the existence of a democracy.

Can you define the word "freedom? The Marines on motorcycles believe that freedom is a balancing act between personal responsibility and government regulation.



Whose job is it to decide to wear a motorcycle helmet? Is it the role of the individual to know when to wear a helmet on a motorcycle, or is it the job of the government to mandate all motorcycle riders wear a helmet?

List some basic rights and responsibilities you have when you are born in the United States.

Rights	Responsibilities
☐	☐
☐	☐
☐	☐
☐	☐

(Check Off ☒ if it is fundamental)

Why did the Founding Fathers not include a Bill of Rights in the original Constitution? List some of the reasons why.

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What did Patrick Henry feel was missing?

Ratifying the Constitution

How many states did it take to ratify the Bill of Rights? How long did it take?

Many people got a chance to vote on adopting the new Bill of Rights. Who was not allowed to vote?

Listing out the 10 big ones! Quickly list out each amendment and what right it guarantees:

Amendment	Right
Amendment 1	
Amendment 2	
Amendment 3	
Amendment 4	
Amendment 5	
Amendment 6	
Amendment 7	
Amendment 8	
Amendment 9	
Amendment 10	

Protesting Funerals: The First Amendment Put to the Test

When the Westboro Baptist Church protests the funeral of a military person, what part of the First Amendment are they using? List out all three freedoms that are guaranteed by the First Amendment:

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—
—

What other groups have used protest to move a cause forward?

What did the Marine's father do to stop the protests?

Should the Westboro Baptist Church's manner of speech be protected by the First Amendment?

Speech has Not Always Been Free

Pay close attention to this section of the show. During which war were you not allowed to say anything negative about the government or the war effort?

List the times that the voices of the people have been stifled by the government:

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—
—

What branch of government was very important in making sure people’s voices are heard?

Today all Speech is Free—Kind of...Can you say anything you want?
Below are a few different types of speech. Identify which are free (protected) and which are not free:

Different types of speech	Free Speech	NOT Free Speech
Yelling Fire as a Joke at the Mall		
Hate Speech		
Symbolic Speech (wear protest arm bands, Flag Burning)		

How were the rights of the Westboro Baptist Church protected?

How did the states protect the rights of the families at the funeral?

Did they strike the right balance?

Is free speech absolute?

A Right to a Fair Trial

What did Clarence Gideon ask for when he was charged with a crime?



What are we all guaranteed thanks to Gideon?

Which part of the Constitution guarantees your right to a fair trial?

Battles of School Prayer

Would having a banner like the one at Cranston High School make you or others at school uncomfortable? In the case of Cranston High School, do you think the banner should have come down?

Does prayer have a place in public school?

What exactly does the First Amendment say about religion?

Key events in church and state...see examples below:

Year	Event
1789	The Michael Newdow case results in Supreme Court refusing to decide on questions regarding "under God"
1956	School prayer removed: Engel V. Vitale
2000-2011	"In God We Trust" officially added to currency
1962	President's Swear-In on the Bible

Eminent Domain Case: How Can You Take My House?

What did the government do in the case of New London? Why did they want the land? How was it going to help the community?

Who was supposed to benefit from taking the land? In this case, did the Constitution protect the majority or the minority?

Was the city of New London justified in taking people's homes and land for the benefit of the community?

Rights via Amendments

In what year was the Bill of Rights, as we know it today, ratified? _____

Privacy

Have you ever had your belongings searched without a warrant?

Do you have an online social network, like Instagram, Facebook, or a Twitter account?

Give some examples of how someone could dig into your personal information and your past:

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-
-

Is technology putting cracks in the Bill of Rights?

The Bill of Rights was established to protect our rights, and the Constitution was established to give us the framework through which to fight for our rights. Has this two-part system given us the right way to use rights and responsibilities?

Let's try this activity again. Looking at each example, see if you can determine whose job it is to regulate. Does the responsibility fall on the individual or the government?

Whose Job Is It?	Personal responsibility	Government responsibility
School Prayer		
Protest at Funerals		
Helmets on Motorcycles		
Are there other examples from the show? List some here:		